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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 1 NEW YORK, MONDAY, JULY 3, 1939 TEN CENTS

DO NOT REMOVE

Early Trial Of Trust Suit Is U. S. Aim

Williams Will See Knox On Setting of Date

That the U. S. government is seriously anxious to bring its New York anti-trust suit against the majors to early trial is apparent in the announcement that Paul Williams, special assistant attorney general, arrives here Wednesday.

Williams will be coming from Washington for the express purpose of conferring with Senior Federal District Judge John C. Knox upon arrangements to fix the date for the trial, it was authoritatively stated.

Despite the Williams-Knox meeting this week, attorneys have voiced an opinion that they do not see how the suit can come to trial before 1940 in view of legal procedure.

Six of the eight major defendants filed their answers Thursday of last week. The Government is waiting the replies of Columbia and United States.

Even assuming that the United Artists and Columbia answers are filed within a few weeks, permitting the case to be placed on the trial calendar before next Fall, attorneys point out that the case could not be reached for trial in the ordinary course of events for almost a year.

The Government, of course, may move for a preference on the calendar, thus advancing the trial date appreciably if it proves successful, but even this procedure, attorneys are convinced, will consume more time than will permit a start of the trial before the end of the year.

Congress Dooms Federal Theatre

The Federal Theatre Project is no more.

Curtains in all Federal Theatres in the country, including three in New York City, went down Friday night following the passage of the $1,755,600,000 relief bill at Washington.

At the conference between Congressmen and Senators, the former refused to accede to the Senate recommendation that the theatre projects be continued on a curtailed basis.

The House, however, granted concessions which will permit retention of the project's administrative employes on the rolls for 30 days and of actors, actresses and technicians who

(Continued on page 4)

Rodgers Calls Exhibitors To Accept Code, Berates Allied's Action as 'Unfair'

The final draft of the industry trade practice code which was rejected by Allied States board of directors in advance of the organization's convention forum on the code at Minneapolis last month "contains every single item discussed and agreed upon with the Allied code negotiating committee" last Winter, William F. Rodgers, chairman of the distributors' committee, asserts in a statement issued over the weekend.

The statement points out that the reasons given by Allied for rejecting the code are not consistent with the main facts involved in the negotiations and the preparation of the code, and declares that "it was apparent to the distributors from the very outset of the negotiations that some of the Allied representatives did not want a code in any form."



William Rodgers

Rodgers reports, however, that a majority of organized exhibitors have indicated a desire to operate under the code and the statement extends an invitation to all exhibitors, "regardless of affiliation," to do so.

Following is the distributor committee's statement.

"The Distributors' Committee and those they represented in the Trade Practice conference and negotiations heard the Allied president read a statement at Minneapolis citing the reasons for Allied's rejection of the suggested Trade Practice Code.

"Each distributor represented had attended the Minneapolis meeting by invitation and under the impression that there was to be an open forum when a frank discussion would be had of the Code, its principles, and what it was believed possible to accomplish under its application.

"The distributors were heard on Wednesday, June 14th, and the following day learned to their amazement that the Allied Board had previously accepted their Negotiating Committee's recommendation to reject the Code and the rejection was accordingly decided *the day before, the distributors had an opportunity to be heard.*

"It was quite apparent to the distributors from the very outset of the negotiations in October last that some of the Allied representatives participating in the negotiations did not want a Code in any form.

"This seems to be borne out by the nature of the report rejecting the Code. Contrary to the statements contained in this report, the Code covers, not substantially, but wholly, every single item discussed and agreed upon with the Allied Committee. In addition, the Code also contains many other provisions favorable to exhibitors that were not even requested of the distributors.

"Frequent references are made in

(Continued on page 3)

No Paper Tomorrow

Motion Picture Daily will not be published tomorrow, July 4.

Century Circuit Drops Games

Century Circuit in New York will drop all games and giveaways pending legal clarification. A statement signed by J. R. Springer, issued Friday, said:

"In view of the fact that the manager of a theatre not affiliated with Century Circuit was arrested, fined $500 and given a jail sentence, which it is reported, was afterwards suspended, Century feels that it is not fair to have its managers assume a similar risk, and is therefore announcing in all Century theatres within the City of New York that all such money giveaway activities will be suspended until the legal situation concerning games and giveaways is clarified."

Century operates 19 theatres in the city.

Trade Chiefs Pleased With U.S. Parleys

Short Wave Broadcasts Start in Two Weeks

Reports of all meetings of industry representatives with Department of Commerce officials in connection with the efforts of the Department to assist the trade in the solution of some of its most troublesome problems was given to the quarterly meeting of the M.P.P.D.A. board on Friday.

Joseph Hazen, Warner Bros. attorney, who has been in touch with Commerce Department officials on several occasions since the initial meeting of company heads and Will H. Hays in Washington early in June, presented a report of developments.

Optimistic on Outcome

Optimism concerning the outcome of the Department's interest in the industry was apparent in several high industry quarters as a result of the report.

The meeting was also informed that test programs will be instituted in two weeks in connection with the short-wave broadcasts of industry news to South America and Europe. Program policy will be determined during the test period and regular broadcasts will begin soon after.

Material for the programs will be submitted to the Hays office which will coordinate it and clear it to NBC and CBS, which will have final approval of all scripts.

Report from Hays

Will H. Hays reported progress in a study being made by a committee on industry relief and security, which will cooperate with the M. P. Relief Fund. Members of the committee are George J. Schaefer, Barney Balaban and Hazen. A report on current developments in the television field was received from the television committee, members of which are Harry D. Buckley, C. C. Moskowitz and Paul Raiburn.

The foreign situation was discussed

(Continued on page 2)

Patterson Approved As RKO Chairman

Judge Bondy Friday approved the designation of Richard C. Patterson, Jr., as chairman of the board of directors of RKO. The court expressed satisfaction over his qualifications to succeed Lloyd Odlum, who resigned due to pressure of other business interests.

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RKO Decides On New Sales District Shifts

A further realignment of RKO sales districts was completed over the weekend by Jules Levy, RKO general sales manager.

The changes add Detroit and Indianapolis branches to the midwestern district under Walter Branson, district manager, and Cresson E. Smith, western and southern division manager. With this change, Nat Levy, eastern central district manager, will transfer his headquarters from Detroit to Philadelphia and will have supervision over Cincinnati, Cleveland, Pittsburgh and Washington, in addition.

Buffalo has been added to J. H. MacIntyre's northeastern district which includes, in addition, Albany, Boston and New Haven.

RKO Plans London Sales Parley Aug. 10

RKO will hold a United Kingdom sales convention in London on Aug. 10 at the Trocadero. Branch managers, sales managers and salesmen of the RKO English branches, as well as March of Time and Walt Disney representatives, will be present.

Ralph Hanbury, RKO's managing director, sailed on the *Mauretania* Friday for London, after attending the company's international sales convention here.

Premiere at Atlanta Planned for 'Wind'

M-G-M is considering holding the world premiere of Selznick-International's "Gone With the Wind" at Loew's Grand, Atlanta, probably in November.

That city is the locale of the picture and is therefore considered a "natural" for the premiere.

Howard Dietz, M-G-M advertising and publicity chief, saw the completed portions of the film on the coast and is already lining up the campaign.

William F. Rodgers, general sales manager, will set distribution policy on the picture when he goes to the coast shortly.

Figure at Nazi Trial Sues Warner Bros.

A suit for $75,000 against Warner Brothers Pictures, Inc., was filed in U. S. District Court Friday by Katherine Moog, who contends that the Warner film, "Confessions of a Nazi Spy," and stories used in connection with the exploitation of the film libeled her. Under the name of Kate Busch she was a material witness for the state in the Nazi spy trial here.

Metropolitan Area Closings Now at 40

Five more theatres in the metropolitan area were closed during the week for the summer months, bringing the total to approximately 40, which, however, is less than the number of houses which were closed last summer.

New closings, according to N. Y. Film Board of Trade records, are the Radio and Shubert, Brooklyn; the Kameo and Concourse, Bronx, and Hawthorne, Hawthorne, N. J.

Purely Personal

BARNEY BALABAN, Paramount president, returns to his office today from a brief vacation on the Great Lakes aboard his yacht.

•

FRED S. GULBRANSEN, who supervises RKO sales in part of Latin America, left by plane via Miami late last week for his headquarters in Panama. LEON BRITTON, general manager in the Far East, has left for the coast and will sail July 8 from Vancouver on the *Empress of Canada.*

•

H. M. WARNER was host late last week at the studio to Major General PEDRO AURELIO DE GOES MONTEIRO, chief of staff of the Brazilian army, on a coast visit.

•

After 16 years with Balaban and Katz as theatre manager in Chicago, CHARLES BURRIS of the Nortown has resigned to enter the publishing business.

•

WILLIAM MORTON, publicity man at RKO Albee, Providence, is handling publicity for a circus in New York during the summer shutdown of the theatre.

•

ANTONIO A. ROMANO of Providence is going a-yachting over July 4 with RALPH SNIDER of Associated Theatres, on the latter's schooner, *Varuna.*

•

ROBERT MAHRENKE, manager of the Broadway, Baltimore, has been appointed a Justice of the Peace by Governor O'CONNOR of Maryland.

•

WILFRED LAWSON, British actor, left by plane for the coast Friday, after his arrival from London, to play RKO's "Allegheny Frontier."

•

JOHN RILEY, chief engineer of Western Electric Co., Ltd., London, sailed Friday on the *Mauretania,* after several weeks in New York.

•

BEN KALMENSON, Warners' western and southern sales manager, returns to his desk today after a visit of five weeks in the west.

•

MOVITA, Monogram player, will sail on the *Queen Mary* on Wednesday for England to join her husband, JACK DOYLE.

•

GRANT WITHERS, player, has been named supervisor at the Monogram studio by SCOTT R. DUNLAP, production head.

•

GEORGE KRASKA, director of the Fine Arts Theatre in Boston, was in New York for a few days last week.

•

ARTHUR LEE and CHARLES PAINE are at the former's country home in the Thousand Islands for the holiday.

•

BRUNO CHELI, RKO general manager for Brazil, departed for Rio de Janeiro on the *Brazil* on Friday.

•

MORRIS LEONARD, counsel for Balaban and Katz in Chicago, is vacationing on the West Coast.

•

EDDIE (ROCHESTER) ANDERSON left for the coast Friday after a short stay in New York.

•

LESTER COWAN, producer, is in New York for a brief visit.

JOSEPH M. SCHENCK, 20th Century-Fox board chairman, will probably leave this week for the coast.

•

EVELYN S. BROWN, assistant director of the Harmon Foundation, will give a six-week course at St. Lawrence University on visual education, including film production and research, scenario writing, and the like.

•

MR. and MRS. C. H. STEWART, of Waco, Texas, visited the Paramount World Fair quarters Friday. Stewart is manager of the Waco Theatre, Waco, and is now en route to Niagara Falls.

•

MURPHY MCHENRY, director of advertising and publicity for Edward Small Productions, is here to work on a campaign for "The Man in the Iron Mask."

•

J. BURGI CONTNER sailed over the weekend on a holiday cruise to Bermuda. He recently completed shooting "Moon Over Harlem."

•

HELEN MASON of General Films, Ltd., of Toronto leaves omorrow after a week's buying trip in New York.

•

TYRONE POWER and his bride, ANNABELLA, sailed for Italy Saturday on the *Rex* for a belated honeymoon.

•

BEN PIAZZA sailed Friday on the *Mauretania* for London.

•

BEN WASHER sailed for Bermuda on Saturday.

Ascap Sues in N. D.; New Law Effective

FARGO, N. D., July 2.—Federal court action has been filed here by Ascap asking that KRMC of Jamestown be restrained from broadcasting musical numbers on which Ascap holds copyright privileges and also for damages of not less than $2,500.

A new state law requiring Ascap to maintain a list at Bismarck of tunes on which it claims copyrights and also taxing the organization three per cent on North Dakota earnings, became effective Saturday. The law does not affect existing contracts until their expiration.

Joining with Ascap in action are Remick Music Corp., ABC Music Corp., Miller Music Corp., Irving Berlin, M. Witmark and Sons, Shapiro, Bernstein and Co., Santly-Joy-Select, and Leo Feist.

New Durbin Contract

HOLLYWOOD, July 2.—Judge Wilson on Saturday approved the new Deanna Durbin contract with Universal, the first contract to be consummated under the so-called Jackie Coogan law drafted as legal safeguard for the earnings of minors in films. The new Durbin contract calls for three pictures annually for five years.

Clearance Meeting

Conference is scheduled here this week to iron out clearance problems in Albany, Schenectady and Troy. The meeting was requested by New York Allied. Attending will be representatives of RKO, Fabian circuit, Warners and the organization.

Trade Chiefs Pleased With U.S. Parleys

(*Continued from page 1*)

generally and reports were received on public reception of the special industry film, "Land of Liberty," which was made for exhibition at the World's Fairs.

Ralph B. Austrian, vice-president of RCA Manufacturing Co., was elected to the board, replacing H. L. Sommerer of the same company.

Hays leaves for San Francisco by train tonight where he will address the convention of the National Educational Association on Thursday.

Attending Friday's meeting were Hays, Frederick L. Herron, Charles D. Prutzman, Hazen, Earle W. Hammons, Schaefer, Nicholas M. Schenck, Jack Cohn, W. C. Michel and Buckley.

$40,000,000 8-Year Refund by Warner

In the last eight years Warners have retired or refunded more than $40,000,000 indebtedness.

This includes the 1939 debenture issue, $19,400,000 of which has been exchanged for 1948 debentures and $10,000,000 of which will have been retired when the present $6,000,000 cash payments are completed.

The 6 per cent convertible debentures due Sept. 1, this year, were issued in 1929 in a total amount of $44,064,500. Of this, $14,664,500 was retired prior to the issuance of the plan of exchange July 25, 1938.

Pathe Finishes Film In Color for F.H.A.

"Miracles of Modernization," one-reeler produced by Pathe News for the Federal Housing Administration, will receive its first showing at Washington first run theatres July 7 and is being booked by circuits nationally.

This is the first color film sponsored by the F. H. A. to promote modernization of run-down or outmoded houses. It opens with shots of the modernistic buildings at the World's Fair and the F. H. A. exhibit in the Federal Building. Then there are two "case histories" of structures rebuilt with F. H. A. assistance.

MOTION PICTURE DAILY

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Stars Sparkle As Des Moines Sees 'Career'

DES MOINES, July 2.—RKO took to the city yesterday and today, ostensibly to the twin premiere of "Career" at the Orpheum and Paramount tonight.

A parade of stars yesterday morning, and moonlight film ball last night and various other items of entertainment occupied the two days.

The premiere was held in traditional Hollywood fashion, with the celebrities arriving in open cars for personal appearances at the two houses.

Phil Stong, noted novelist and author of "Career," native son of Iowa, was one of the honor guests.

A dance floor built on the football field of Drake University Stadium was the scene of last night's dance. Bobby Breen sang. Coast guests included Edward Ellis, Anne Shirley, Patricia Ellis, Jean Hersholt, Jean Parker, Joy Hodges, Marjorie Reynolds, Barbara Read, Dorothy Lovett, Peggy Carroll, Alice Eden, John Archer, Leon Errol, James Ellison, Leigh Jason, director of "Career," and RKO Radio's casting director Robert Palmer.

Vice-President Ned E. Depinet of RKO and S. Barret McCormick, director of advertising and publicity, headed the New York delegation. Others from New York were Cresson E. Smith, western and southern sales manager; Arthur Willi, head of the eastern new talent department, and Ralph Rolan. Walter Branson, midwestern district manager and Jack Osserman, branch manager at Chicago, were among the many RKO representatives from the midwest.

A large crowd attended Jesse L. Lasky's "Gateway to Hollywood" thirteenth and final program of the second series staged in the Shrine Auditorium this afternoon and broadcast over the CBS network from 4:30 to 5:30.

Small to Make Six

HOLLYWOOD, July 2.—Edward Small will make six instead of seven pictures for United Artists release, it was decided here yesterday. "Quantrill the Raider" and "Food of the Gods," announced for production earlier, are being dropped and "The House of Monte Cristo" will be added to the producer's list.

Exploitation Changes

HOLLYWOOD, July 2.—Warners is extending its Coast exploitation staff. Nat Holmes will be assisted by Irving Rubine, switched from the studio publicity department, and Marty Weiser, transferred from the home office.

Represents Disc Firm

Kasper-Gordon, Inc., New York, has been signed by Telecast Corp. of America, Hollywood, as eastern representative. New Telecast Corp. disc shows now ready for distribution are "The Shannons," with the Gleason family in the lead roles, and "Three Musketeers," with Noah Beery, Victor Jory, Jack Mulhall and Herbert Rawlinson.

Rodgers Calls Exhibitors To Accept Trade Code

(*Continued from page 1*)

the report to the effect that this or that clause appears for the first time in the March 30th draft, but not one word is said about the fact that Allied's General Counsel was invited on January 16th to prepare a draft in language more suitable to Allied; that Allied's General Counsel submitted such a draft on February 7th; that Allied's General Counsel (after the Allied Negotiation Committee ceased functioning), came to New York and conferred with distributors' attorneys regarding the draft of Allied's General Counsel, and that the draft of June 10th contains much of the language and suggestions of Allied. Yet the statement is made that Allied had no contact with distributors between the January 16th meeting and the receipt of the March 30th draft.

"Further much comment has been made regarding the PREAMBLE. The fact is that in the draft of the Allied General Counsel of February 7th, 1939, there was a PREAMBLE which provided that the distributors were to sign the Code and thus become bound to observe the principles, policies and practices there set forth, but did not provide for the signing of such Code by exhibitors or exhibitor groups, and their being bound too. We regarded this suggestion as one-sided and unfair. In our draft of March 30th we submitted a PREAMBLE which provided that the exhibitors and organized groups of exhibitors as well as the distributors should sign the Code and be bound thereby.

"These misleading statements, together with many other inaccuracies well known to all distributors present at Minneapolis, caused their spokesmen, with their full approval, to conclude his remarks at the final session of the Allied meeting on June 15th with the statement:

"'Under the circumstances, gentlemen, you leave me no alternative but to withdraw any proposals from the Allied organization as a group and we will no longer negotiate with the Allied organization.'

"It has been rather unique to be negotiating for a peaceful solution of trade problems with a body who sought all concessions possible and at the same time declared their intention, no matter what the outcome, to continue their efforts, through legislation or litigation, to further curtail the progress of those upon whom they are largely dependent for their future business security and who have endeavored sincerely to solidify an industry that all concerned may benefit to the greatest extent.

"The fact that Allied as such represents only a minority, and a small one, of organized exhibtor groups, and much smaller when the nation's theatres are considered, did not in the slightest deter us from a supreme effort to meet the problems as they were presented. We believed that we had succeeded at Chicago in November last; every item brought up was fully discussed and disposed of and it was understood there, and at that time, that the basis for a Trade Practice Code was established. All that remained was to reduce it to writing and suggest a method for arbitration.

"At that time we invited the Allied General Counsel to confer with our group in New York so that Allied would feel they had a definite part in the preparation of the document. We invited counsel of other exhibitor groups to confer with us and some of them did confer with us. But Allied expressed a preference that we prepare a document and submit it to them.

"We did prepare several drafts in which the language had been changed, but never the intent. Assurances have been given before and are again repeated, that any unauthorized actions inconsistent with the proposed Code will be corrected.

"With the contemplated change in the machinery for settling clearance disputes it is sincerely believed that we have a document (June 10th draft) that will enable all interested parties to conduct their business relationship more harmoniously and thereby benefit the industry at large.

"We are not alone in this belief, as already the majority of organized theatre owners, independent as well as affiliated, have indicated their desire to operate under such a Code and are anxious that its application be put into effect at the earliest moment possible.

"Every exhibtor in the United States, independent, affiliated, whether a member of an organization or not, is extended a cordial invitation to accept the Code. We hope that all will participate, irrespective of their affiliations."

Seattle Gives 'Maisie' Neat $7,400 Lead

SEATTLE, July 2.—The dual of "Maisie" and "6,000 Enemies" at the Paramount led here, with $7,400, in a week of cool weather and baseball and racing competition. "Invitation to Happiness" and "Never Say Die" scored $8,000 at the Fifth Avenue.

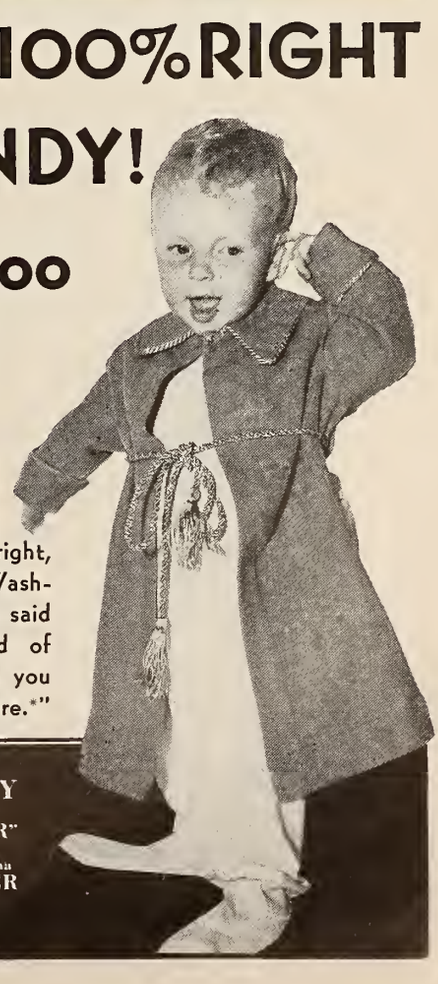
Estimated takings for the week ending June 30:

"Young Mr. Lincoln" (20th-Fox)
"Sorority House" (RKO)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 2nd week. Gross: $3,400. (Average, $4,000)
"Invitation to Happiness" (Para.)
"Never Say Die" (Para.)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $8,000. (Average, $7,000)
"Clouds Over Europe" (Col.)
"The Lady and the Mob" (Col.)
LIBERTY—(1,800) (25c-30c-40c-55c) 7 days. Gross: $4,700. (Average, $5,000)
"Ballerina" (Mayer-Burstyn)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 2nd week. Gross, $3,200. (Average, $5,000)
"Tarzan Finds a Son" (M-G-M)
"The Lady's From Kentucky" (Para.)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $5,700. (Average, $6,000)
"Nancy Drew, Reporter" (W. B.)
"First Offenders" (Col.)
PALOMAR—(1,500) (15c-25c-30c-40c), 7 days. Vaudeville headed by Stepin Fetchit. Gross: $6,800. (Average, $5,000)
"Maisie" (M-G-M)
"6,000 Enemies" (M-G-M)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $7,400. (Average, $6,000)

New Century Circuit House

Century Circuit will increase its theatre holdings in Brooklyn with the construction of a new house on Ocean Ave. Theatre will seat about 1,000.

"Glub bub 100% RIGHT gaga SANDY! Google-goo an how!"



(Translation) "You're 100% right, Mr. Nelson B. Bell of the Washington Post. You already said "Sandy is the prize find of the lot'. Just wait until you see me in my new picture."

* UNIVERSAL presents Baby SANDY in "UNEXPECTED FATHER" with Shirley ROSS, Dennis O'KEEFE, Mischa AUER

For Release July 7th

4-Day Holiday At Hollywood; Shoot 51 Films

HOLLYWOOD, July 2.—Personnel at the studios scattered to the beach, mountains, race tracks, ball parks, World's Fairs and sundry resorts to make the most of a four-day holiday from labors.

Fifty-one productions are in the shooting. Although work on these will continue throughout the holiday period, staffs will have been cut to a minimum and only those units running behind schedule will be worked at full manpower Monday, which has been officially declared a holiday.

Paramount went into the lead as to activity with nine pictures before the cameras. M-G-M was second with seven on stages or location while Warners, Universal and 20th Century-Fox had six each facing the lens.

Columbia this week started "Five Little Peppers and How They Grew" and "The Man They Could Not Hang." Paramount began shooting "Our Neighbors the Carters," "Seventeen" and "Argentina." Monogram launched "Girl from Rio" and Republic went to work on "Mob Fury."

Fox got going on the long planned "Drums Along the Mohawk" and on "Tin Hats" while Universal gave the go signal to "They Can't Hang Me."

M-G-M finished "Babes in Arms" and Paramount brought in "The World on Parade." Universal completed "Fury of the Tropics" and 20th-Fox canned "Heaven with a Barbed Wire Fence." RKO sent to the cutting room "Nurse Edith Cavell" and "My Fifth Avenue Girl."

M-G-M finished four shorts and RKO one to clean up the slate in the short subjects sector completely.

A negotiating committee from the Screen Publicists Guild and producers' representatives are to meet Monday with labor relations agents of M. P. P. A. in a further attempt to reach an agreement on wages, hours and working conditions governing employes of the studio publicity departments. It was said all major differences have been settled.

5 I.A.T.S.E. Officials Testify in Surprise

LOS ANGELES, July 2.—Attorney George Breslin, representing the I.A.T.S.E. International in the Superior court suit brought by ousted executives of Technicians Local 37, to regain local autonomy, threw Friday's session into an uproar when he placed on the stand five of the seven I.A.T.S.E. vice presidents who with President George Browne compose the executive board.

Taking the stand in the surprise move were Harlan Holmden, of Cleveland; William Patrick, of Canada; Roger Kennedy, of Detroit; Richard Walsh, of Brooklyn, and James Brennan, of Newark.

Each testified that President Browne had reported to them on conditions prevalent in connection with the conduct of Local 37 inclusive of written assertions by members that local management was subject to communistic influences and had misappropriated funds and suspended three officers without trial.

Indications are that the case will be continued Wednesday.

BANNER LINES

By JACK BANNER

JUST as we intimated some weeks ago, the networks have finally decided not to release to the trade press any more dollar billing figures. They will continue to issue stories with respect to account renewals, new business, etc., but no more in terms of dollars and cents. Networks attempted such a measure last year, but when the trade papers succeeded in obtaining the dollar and cents figures each month despite the ban, they gave up the experiment. . . . June billings will be the final ones. . . . Anton Bundsmann, theatrical producer and motion picture man, has joined the television production staff of NBC. He produced "So Proudly We Hail," "Thunder On the Left," "Haiti" on Broadway, and for two years was with Selznick International doing research and testing. . . . Cal Swanson of the J. Walter Thompson agency off to Hollywood for a stay of at least three weeks.

▼

ED THORGERSEN, Movietone news sports commentator, has been signed to broadcast grid results during the football season over Mutual by the makers of La Palina cigars. . . . Stuart Robertson, the English actor-singer who arrived here the other day under RKO contract, made his network debut yesterday over NBC as soloist with the Leopold Spitalny orchestra. . . . Gray Gordon's orchestra making additional transscriptions for NBC.

▼

GABRIEL HEATTER has started his vacation, but before leaving he signed with Modern Industrial Bank for a series over WOR starting in October. . . . A shakeup in the production department at CBS is impending. . . . Lou Ruppel, CBS publicity chief, off on vacation. He'll be on the search, they tell, for Andy Brown, who is missing. . . . Nila Mack will lecture on children's programs at NYU this summer. . . . Paul White, CBS director of news and special events, sails for Europe on the *Corinthia* this week to confer with the full compliment of the CBS European staff on plans for covering by radio the threatening European situation. . . . Johnny Mack Brown, screen actor, will headline a new sustaining show from the Coast, "Under Western Skies," which starts over CBS Friday. . . . Charles Laughton, Zazu Pitts and Charles Ruggles will appear in "Ruggles of Red Gap" on the season's final Lux "Radio Theatre" program next Monday.

▼

MADGE EVANS in town from Hollywood. . . . Jack Flynn, recently manager for Russ Morgan, has joined the band department of the William Morris agency. . . . Emery Deutsch has been signed for Victor Bluebird recordings. . . . Jimmie Lunceford's crew arrives in town tomorrow after weeks on the road. . . . NBC's international division this week increases its schedule of short-wave programs to Latin America by three and one-half hours daily.

Hollywood Brevities

HOLLYWOOD, July 2.—United States Film Service, which made "The River" and "The Plow That Broke the Plains," has leased space at the General Service Studios here to complete the narration and sound recording for the documentary film "Fight for Life," which deals with maternal welfare and emphasizes improved obstetrical care. According to Pare Lorenz, USFS does not intend to make Hollywood its headquarters.

Nate Blumberg Saturday completed, via long distance, with Mae West a prematurely reported deal whereby she will make three pictures for Universal. In her first film she will co-star with W. C. Fields, with Eddie Cline directing and Lester Cowan producing.

Steven Lang Productions, which will produce "Dr. Christian" series for RKO release, announces leasing of space at General Service Studios commencing July 6 with first picture to start Aug. 2.

The National Labor Relations Board will hear on July 6 an application of the Screen Cartoonists Guild for certification as exclusive bargaining agent with Loew's, Leon Schlessinger, Walter Lantz and Raymond Lantz Studios.

Twentieth Century-Fox has signed Gene Autry to co-star with Jane Withers in "Jubilo," Ben James Williams' story which was once produced with Will Rogers in the lead.

Sol Halperin, who has been with Twentieth Century-Fox 22 years, has signed a new three-year contract as head of the process department.

James Roosevelt, vice-president of Samuel Goldwyn Productions, will address the National Educators' Association convention in San Francisco on July 4.

Congress Dooms Federal Theatre

(*Continued from page* 1)

are certified as in need of relief for 90 days.

In New York City the Federal Theatre shows, "Pinocchio," "Life and Death of an American" and "Sing for Your Supper" were closed, and nearly 8,000 persons thrown out of jobs as result of Congressional action.

Despite the insistence of President Roosevelt and Administrator Francis C. Harrington that the Federal Theatre be saved, the Senate conferees were forced to surrender to the House's wish after repeated attacks upon the project. Many theatre projects have been criticized as "seditious," "communistic" and "wasteful."

Over the week-end many meetings, some of them in Times Square, were held to protest the abandonment of the theatre.

'Heaven' Hits Denver Lead With $14,000

DENVER, July 2.—"East Side of Heaven," aided by an all-girl stage show, packed the Denver for a take of $14,000. "Tarzan Finds a Son" which attracted droves of youngsters at the Orpheum and drew $6,500.

Estimated takings for the week ending June 28:

"Juarez" (W. B.)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: $5,300. (Average, $3,500)
"Invitation to Happiness" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days, 2nd week. Gross: $4,500. (Average, $6,500)
"East Side of Heaven" (Univ.)
DENVER—(2,525) (25c-35c-40c) 7 days. Stage show. Gross: $14,000. (Average, $9,000)
"Tarzan Finds a Son" (M-G-M)
"Almost a Gentleman" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $6,500. (Average, $8,500)
"The Kid from Kokomo" (W. B.)
"You Can't Get Away With Murder" (W. B.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,500. (Average, $3,500)
"Only Angels Have Wings" (Col.)
"It Could Happen to You" (20th-Fox)
RIALTO—(878) (25c-40c) 7 days. "Only Angels Have Wings" 3rd week. Gross: $2,000. (Average, $1,750)

Hutchinson Arrives In City Wednesday

Walter J. Hutchinson, 20th Century-Fox director of foreign distribution, is due Wednesday from Central America on the *Northern Prince* after an extended absence during which he attended four foreign sales conventions, in London, Paris, Buenos Aires and Trinidad.

Upon his return he will confer with C. V. Hake, managing director in Australia, regarding the new General Theatres setup. Hake plans to sail this month for Sydney.

Del Goodman, Far East supervisor for the company, is now on the coast with Mrs. Goodman and is expected in New York late this month.

K. Matzner, manager in Hungary, is also due in New York to confer with Hutchinson. A. G. Doyle, managing director in Japan, has arrived in England after a New York visit and will proceed from there to his Tokyo headquarters.

Bill Forbids Double Features in Illinois

SPRINGFIELD, Ill., July 2.—A few hours before adjournment sine die, the Illinois legislature Saturday gave final approval to the bill prohibiting exhibition of one or more pictures for a longer period than two hours and 15 minutes.

The bill, sent to the governor, in effect bans most double features in Illinois because most double shows would run longer than the time limit. The bill does not affect vaudeville or forms of amusement other than those shown on screen.

Columbia First Half Ball League Winner

Columbia's baseball team is the champion of the first half season. Second place holder will be determined when the League renders its decision regarding a Consolidated and RKO game played Tuesday that ended in dispute.

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VOL. 46. NO. 2 NEW YORK, WEDNESDAY, JULY 5, 1939 TEN CENTS

New Product Brings Boom To Broadway

Eddie Cantor Sets Pace At Loew's State

The holiday weekend provided an unusual boost for Broadway's box-offices. Except for the weather, which was in the main hot and summery for three days, the long queues outside the houses and the crowded lobbies inside gave Broadway the appearance of the Easter holidays.

Large portion of the patronage was apparently from out of town and school children just starting their summer recess helped swell the grosses. Consensus of opinion among managers of first run houses was that the summer months and new product would provide a considerable upswing.

Stage appearance of Eddie Cantor, with "It's a Wonderful World" on the screen, drew large crowds to Loew's State and it grossed an estimated $23,000 for Saturday, Sunday and Monday. It is expected to do $50,000 for the week which ends today. "Man About Town" drew an estimated $61,000 in its first week at the Paramount. Aided by Gene Krupa and his band on the stage, the picture grossed an estimated $7,500 for Saturday, Sunday and Monday. Thus proved to be the biggest opening week take at the Paramount since September.

At the Music Hall, "Bachelor Mother" grossed an estimated $38,000 for the first three days of the week-end, with $95,000 indicated for the week ending today. First four days of "Second Fiddle" at the Roxy took an estimated $30,000. An extended run is certain.

"Daughters Courageous," in its second week at the Strand, attracted an estimated $17,000 for Saturday, Sunday and Monday. It will be held over for a third week. "Goodbye, Mr. Chips" continued to draw at the Astor and grossed an estimated $13,000 for its seventh week.

Big UA Deal Closed By Spyros Skouras

United Artists has closed with National Theatres and five subsidiary circuits headed by Spyros Skouras for all of the distributor's 1939-'40 product.

The deal was consummated by L. J. Schlaifer, United Artists vice-president, with J. J. Sullivan, William T. Powers and Aubrey Schenck of National Theatres. Deal was described by the distributor as one of the largest in the company's history.

New Season's Film Deals Show Marked Increase In Midwest and Far West

By SHERWIN A. KANE

New season film deals registered marked increases during the past week in the midwest and far west, which had been lagging behind the east and south in early selling activity, according to reports received by home office distribution executives over the holiday weekend.

Circuit deals are progressing smoothly in most of the important situations throughout the country, sales officials report, with the result that field staffs in many areas already are at work on subsequent run accounts. Higher percentage terms are being sought for an increased number of pictures everywhere, it is learned, as a result of higher production budgets at virtually every important studio.

Domestic sales quotas for the new season are running 10 per cent to 20 per cent ahead of a year ago, while production budgets will run from 10 per cent to 40 per cent higher. Foreign sales quotas are eight to 15 per cent higher than last year.

While percentage terms asked are generally higher throughout the industry, sales officials emphasize that provisions for adjustments are more liberal than they have been in the past. This fact is credited in some distribution quarters with the speed-up in new season selling activities, and particularly that involving subsequent run accounts.

New season license agreements reveal very few innovations or changes. Most agreements retain a 15 and 10-cent minimum admission clause; some weekly payment plan for short subjects, newsreels and advertising accessories, and a provision reserving the right to the distributor to require certain features to be shown on single feature programs.

Most contracts contain the distributor's warranty that no advertising matter for which compensation is received has been included in the pictures licensed. Provisions are also made in most new agreements for release of a lesser number of features during the entire season than the number announced at the outset and specifies that announcements of production plans are not warranties that all picture so referred to will be released during the season.

New license agreements omit reference to a score charge. However, cancellation provisions on the basis of the new industry trade practice code and warranties as to the non-forcing of shorts with features are not included. The old 10 per cent cancellation clause, conditioned upon the status of the individual contract, remains in most of the new season agreements.

These, of course, will be amended by the addition of the new trade practice provisions if and when legal means of making the code effective have been determined.

Bill Limiting Film Program Disturbs Illinois Showmen

By WILLIAM CROUCH

CHICAGO, July 4.—Exhibitors here and in the rest of Illinois are in a state of indecision regarding the measure, now awaiting Governor Horner's signature, which would limit all film programs to two hours and 15 minutes. The bill was introduced in an effort to stop double features.

Most theatremen seem bewildered as to what good the measure will do. John Balaban of Balaban & Katz voiced the opinion of exhibitors generally when he said such regulation by the state Government is only another burden on the film industry. He saw as a result that theatre patrons would suffer by having such strict rulings govern the presentation of theatre programs.

Edward Silverman of the Essaness Circuit said, "This legislation affecting picture theatres is the most beneficial ever passed for any industry." He said if the bill didn't stop duals it would result in long pictures being cut, a move he thought beneficial for the industry, expressing the opinion that most films are much too long. He indicated that if distributors did not cut pictures to suit the Illinois requirements, exhibitors could and would.

CBS and NBC June Billings Hit New Highs

CBS Gross $2,860,180, NBC, $3,382,404

Sinking all traces of Summer slumps, CBS and NBC billings for the month of June reached record-breaking proportions.

June billings for CBS were up 34.8 per cent over the billings for last June. The total for the month this year amounted to $2,860,180. The June, 1938, billings amounted to $2,121,495.

The six-month cumulative total amounted to $16,918,818, an increase of 8.6 per cent compared to the cumulative total for the corresponding months in 1938, which amounted to $15,482,555.

NBC billings for June amounted to $3,382,404, of which the Red network accounted for $2,624,657, and the Blue, $757,747. The June, 1939, billings are up 5.7 per cent over the billings of the previous June, which amounted to $3,200,569.

The six-month total amounts to $22,598,937, an increase of 7.5 per cent over the six-month total for the corresponding period last year, which was $21,023,674.

Five Boro Workers Discuss New Pact

Meeting of 72 employes of Five Boro Circuit has been called for tonight at the Capitol Hotel to consider terms of a contract now being negotiated by Theatrical Managers, Agents and Treasurers Union and Entertainment, Exhibition and Exposition Employes National Union. Final negotiations will be held today and if they are successful, the contract will be submitted for ratification tonight.

Of the 45 clauses originally submitted, 35 have been accepted, seven stricken out by consent and three are being negotiated. The three remaining clauses deal with pay scale, term of contract and retroactive provisions.

The seven clauses which have been withdrawn dealt with general provisions covering all independent houses in the metropolitan area. At the start of negotiations, it was believed that the contract would be used as a model for future negotiations with independent houses. Although this may still be done, it was decided to drop general clauses which did not apply directly to the Five Boro situation.

Import Duties Are Approved By Parliament

LONDON, July 4.—The House of Commons has approved Sir John Simon's budget amendments readjusting the import duties on exposed and unexposed films.

The revised schedule provides for an import duty of one-third penny per foot on all categories of unexposed film and five pence per foot on first copies. The duty on each subsequent copy of exposed film is one penny per foot.

Exceptions are made in four film categories. They are newsreels, which will pay one penny per foot; substandard width films, single sound track films and specialized films designed for limited exhibitions, each of which will pay one penny per foot.

Sir John refused to amend the provision for taxing first copies five pence per foot, claiming it was necessary for the protection of the home market.

Artists on 'Maxwell' Ads

Nationally prominent illustrators have been engaged by 20th Century-Fox to do the art work for the advertising campaign on "Elsa Maxwell's Hotel for Women," one of the company's early new season releases. Contributing to the campaign will be Bradshaw Crandall, George Petty, McClelland Barclay and John LaGatta.

Extend Ohio Tax Action to July 15

COLUMBUS, July 4.—Filing of a demurrer by Aubrey Wendt, defense attorney, in lieu of a formal answer to the writs of mandamus, Franklin County Court of Appeals has granted extension to July 15 for filing answer in the two suits of John V. Bostwick, a taxpayer, against Ohio Tax Commission, challenging authority to exempt film rentals from the state sales tax, and urging collection of $1,250,000 claimed due the state for taxes since inception of the law.

The Ohio Tax Commission recently was abolished in favor of a tax board supervised by a commissioner. This will necessitate naming the new organization as defendant.

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MURPHY McHENRY, MONROE GREENTHAL, WILLIAM HEBERT, HARRY GOLD, CHARLES E. McCARTHY, MORRIS KINZLER, JOSEPH BERNHARD, SAM SHAIN lunching in Nick's Hunting Room at the Astor Monday.

•

WALTER HUTCHINSON arrives in New York today on the *Northern Prince* following an extended foreign trip which included Europe, South and Central America.

•

WILLIAM KEIGHLEY, Warner director, and his wife, GENEVIEVE TOBIN, arrive in New York on the *Conte di Savoia* tomorrow after a cruise around the world.

•

MAJOR LENOX LOHR, president of NBC, tendered an annual Fourth of July festival to all executives and employees of the network at his estate in Tarrytown, New York.

•

FRANK G. PLANAS, manager of the Warner office in Puerto Rico, is in town for home office conferences. He will be here about 10 days.

•

BEN KALMENSON, Warners southern and western division manager, returned to New York from coast sales conferences on Monday.

•

ROBERT GILLHAM, Paramount advertising and publicity director, is expected back in New York today from the coast.

•

LEON GODDMAN of the Loew ad department was married on Sunday to the former Frances D'Lugo.

•

CHARLES H. WUERZ, formerly with Loew's, is in town on his first visit here in 15 years.

•

HERMAN WOBBER is scheduled to leave San Francisco by plane today for New York.

•

KARL HOBLITZELLE, president of the Interstate Circuit, Dallas, has gone to California.

JOSEPH N. WEBER, president of the American Federation of Musicians, is at the Hotel Muehlebach in Kansas City, recovering from a heart attack, following the recent A.F.M. convention there. MRS. WEBER is with him. He will be confined to the hotel for several weeks.

•

MR. and MRS. H. F. KENNEDY, Lyric & Bow Theatres, Broken Bow, Neb.; MR. and MRS. ROY E. HARROLD and daughter, Princess and Castle Theatres, Rushville, Ind. and M. KENWORTHY, Kenworthy Theatre, Moscow, Ida., were visitors at the RKO lounge Monday.

•

RICHARD GREENE resumed work Monday in "Here I Am a Stranger," at 20th Century-Fox, following his recovery from injuries sustained in a recent automobile accident.

•

DON McCORMACK of the Universal exchange, Denver, and his bride, the former NORA SMITH of the Warner Denver exchange, are honeymooning in New Mexico.

•

L. W. LOWMAN, CBS vice-president, is awarding a trophy for the annual CBS golf tournament to be held Saturday at Rockwood Hall Country Club, Tarrytown.

•

LOU POLLOCK, eastern advertising manager for Universal, is the father of a boy, born on Sunday to MRS. POLLOCK at the Sydenham Hospital.

•

GEORGE BOOTHBY, World War veteran, will act as technical advisor for Warners' forthcoming "The Fighting 69th."

•

MORRIS KINZLER'S newly arrived daughter has been named ALICE ELEANOR.

•

LESTER COWAN left New York for the coast over the weekend.

•

PAUL ROBESON sails for England today on the *Queen Mary*.

•

MADGE EVANS arrived in town from the coast Monday.

Out Hollywood Way

HOLLYWOOD, July 4.—CLIFF LEWIS, Paramount studio advertising director who put over the deal whereby Jello dealers throughout the country are to put "Man About Town" posters in their windows bearing the name of the nearby theatres running it, learned about enterprises like that at the source—as a Paramount "exploiteer" in the days when the company maintained a nationwide staff, inclusive of such wizards as A-MIKE VOGEL of *Motion Picture Herald's* Managers' Round Table, on 24-hour duty in behalf of a better box-office.

RKO is putting plenty of talent with CHARLES LAUGHTON for the "The Hunchback of Notre Dame." In addition to the imported MAUREEN O'HARA, who will do the romantic stint opposite EDMUND O'BRIEN, THOMAS MITCHELL, FRITZ LIEBER, HARRY DAVENPORT and ETTIENE GIRADOT have been announced for the cast to date.

Signings — ALICE EYLAND, JOHN POWERS model currently seen on the billboards glamorizing the appeal of Camel cigarettes, to an M-G-M contract.

Players—GEORGE STEVENS' first acting chore for Warners is a featured role in "The Dead End Kids at Military School." . . . BORIS KARLOFF will be seen in Columbia's "The Man They Could Not Hang," which has to do with bringing dead people back to life. . . . SOL LESSER has completed casting "Everything's on Ice" with the addition of ERIC LINDEN to those previously announced. . . . J. FARRELL MACDONALD has joined the "Housekeeper's Daughter" company which HAL ROACH is directing in person.

CRANE WILBUR, Warners' quadruple-threat man, has been elected to write the screenplay of "Girls Without Name," a JANE BRYAN-RONALD REAGAN number.

Show Color Organ

Providence, July 4.—First theatrical presentation of a new color organ perfected by Dr. Glenn A. Shook, professor of physics at Wheaton College, was held at the Strand.

The device operates with rotating prisms which throw constantly changing light patterns on the screen during the musical presentation. Reviewers commented that while the effect is pleasant, color patterns had little relation to the music.

Ohio Censor Cuts 36 Reels in June

COLUMBUS, July 4.—Ohio censors reviewed a total of 500 reels and ordered 36 eliminations in June. Six reels were rejected for the week ending June 16, and the same number for the week ending June 23. This compares with 641 reels reviewed, 33 eliminations ordered and seven rejected.

Mexico Notes

MEXICO CITY, July 4.—Censorship is annoying Mexican producers. They complain that the board, now composed of four men—three representing the Federal Government and one the local government—is cutting too many native pictures.

Producers charge that the board approves many scenes in European pictures that would be clipped out of domestic films.

The censors assert that the home producers should first take into consideration rules and taboos before they produce pictures.

Two shorts have been produced by the Mexican Government to build interest in the national census. Pictures are to have free national exhibition starting July 15 to draw attention to the national census of 1940, work on which begins in October. This is the first time in Mexico that pictures have been used in connection with a census.

Urbine Herrmann Dies

CHICAGO, July 4.—Urbine J. Herrmann, 66, noted legitimate theatre owner and sportsman, died here today from injuries sustained in an automobile accident.

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Philadelphia Gives $18,500 To 'Susannah'

PHILADELPHIA, July 4.—"Susannah of the Mounties" took $18,500 at the Fox. "Captain Fury" drew $15,500 in nine days at the Stanley.

Estimated takings for the week ending June 2:

"It's A Wonderful World" (M-G-M)
ARCADIA—(600) (25c-42c-57c) 4 days. 2nd run. Gross: $1,200. "Bridal Suite" (M-G-M), 2nd run, 3 days. Gross: $900. (Average, 7 days, $2,800)
"Invitation to Happiness" (Para.)
BOYD—(2,400) (32c-42c-57c) 7 days, 2nd week. Gross: $8,000. (Average, $14,000)
"Kid From Kokomo" (W.B.)
EARLE—(2,000) (26c-32c-42c) 7 days. Gross: $6,000. (Average, $8,000)
"Susannah of the Mounties" (20th-Fox)
FOX—(3,000) (32c-37c-42c-57c-68c) 7 days. 6 days stage). Stage: Tommy Riggs, Rachel Carley. Gross: $18,500. (Average, $16,000)
"Tarzan Finds a Son" (M-G-M)
KARLTON—(1,000) (32c-42c-57c) 7 days. 2nd run. Gross: $2,500. (Average, $4,000)
"Rose of Washington Square" (20th-Fox)
PALACE—(1,000) (26c-42c) 7 days. 3d run. Gross: $4,000. (Average, $4,500).
"Captain Fury" (U. A.)
STANLEY—(3,700) (32c-42c-57c) 9 days. Gross: $15,500. (Average, 7 days, $14,000)
"Juarez" (W.B.)
STANTON—(1,700) (26c-32c-42c) 7 days. 2d run. Gross: $5,500. (Average, $7,000)

'Men,' Stage Show $7,000, Milwaukee

MILWAUKEE, July 4.—Riverside, with "Street of Missing Men" on the screen and "The Big Crazy Show" on the stage was the week's best grosser with $7,000. Only other house to connect was Fox's Palace where "Man About Town" and "The Gracie Allen Murder Case" drew $4,400.

Estimated takings for the week ending June 29:

"Invitation to Happiness" (Para.)
"Undercover Doctor" (Para.)
"Man About Town" (Para.)
"The Gracie Allen Murder Case" (Para.)
PALACE—(2,400) (25c-35c-50c) 5-2 days. Split week. Gross: $4,400. (Average, $4,000)
"Street of Missing Men" (Rep.)
RIVERSIDE—(2,700) (25c-30c) 7 days: Stage: The Big Crazy Show. Gross: $7,000. (Average, $6,500)
"Susannah of the Mounties" (20th-Fox)
"Only Angels Have Wings" (Col.)
STRAND—(1,400) (25c-35c-50c) 7 days. Gross: $1,200. (Average, $1,500)
"The Sun Never Sets" (Univ.)
"Kid From Kokomo" (W.B.)
WARNER—(2,400) (35c-50c) 7 days. Gross: $4,300. (Average, $4,500)
"Mutiny on the Bounty" (M-G-M)
"Rose Marie" (M-G-M)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: $4,500. (Average, $5,500)

'Susannah' Detroit Winner at $12,500

DETROIT, July 4.—"Susannah of the Mounties" and "Hound of the Baskervilles" drew a good $12,500 at the Fox, while "Captain Fury" and "Kid from Kokomo" were good for $11,000 at the Michigan.

Estimated takings for week ending June 29.

"The Mikado" (Univ.)
"Blind Alley" (Col.)
ADAMS—(1,700) (15c-40c) 7 days, 2nd run. Gross: $4,500. (Average, $5,000)
"Susannah of the Mounties" (20th-Fox)
"Hound of the Baskervilles" (20th-Fox)
FOX—(5,000) (20c-55c) 7 days. Gross: $12,500. (Average, $10,000)
"Captain Fury" (UA)
"Kid from Kokoma" (W.B.)
MICHIGAN—(4,000) (20c-65c) 7 days. Gross: $11,000. (Average, $10,000)
"Invitation to Happiness" (Para.)
"Heritage of the Desert" (Para.)
PALMS—(3,000) (15c-50c) 7 days. Gross: $4,500. (Average, $5,000)

Hollywood Previews

"Bachelor Mother"

(RKO)

HOLLYWOOD, July 4.—Showmen have one here to tell the grownups about, a swift and sophisticated comedy of errors concerning a young woman whose kindness to an abandoned baby gets her into and out of all sorts of difficult situations, misunderstandings and, in the main, favorable circumstances. It is not a picture for children, dealing as it does with such matters as cloudy maternity, paternity, illegitimacy and so on, but don't let the words frighten you. The dealing is most expertly done and, from the adult point of view, infinitely amusing.

Ginger Rogers and David Niven are better than their previous bests as the department store clerk who can't convince anybody she isn't a mother and the employer who finally decides he doesn't care if she is. Charles Coburn is splendid as the young man's father and there are corking performances by Frank Albertson, Ferike Boros and Elbert Coplen, Jr., the baby in the case.

Producer B. G. DeSylva, director Garson Kanin, screen playwright Norman Krasna and Felix Jackson, author of the story, appear to have set out to see just how funny it is possible to make a comedy. They have made one so funny that whole stretches of dialogue are blotted out by audience laughter, so successful in several single sequences that each of these remains in memory as an independently perfect experience, so intelligently and tastefully compiled that there is more than enough credit to go around.

As above indicated, the basic materials are not kindergarten topics. For this reason, exploitation calculated to attract exclusively adult patronage is indicated. For modern grownups the film holds a quality and quantity of humor seldom come upon in a year's film going.

Running time, 80 minutes. "A."* ROSCOE WILLIAMS

** "A" denotes adult classification.*

"The Forgotten Woman"

(Republic)

HOLLYWOOD, July 4.—"The Forgotten Woman," theme of which is a modernization of the "Madame X" plot, presents a very different Sigrid Gurie. While she did good work in "The Adventures of Marco Polo" and "Algiers" and benefited by the publicity accruing thereto, this is the first time she has been seen as a woman-of-today. As a consequence she is the principal showmanship value in the picture and an asset that exhibitors can use to good advantage.

The picture, produced by Edmund Grainger and directed by Harold Young from an original by John Kober and screenplay by Lionel Houser and Harold Buchman, is rich in those elements ordinarily appealing to women. While Miss Gurie, whose role makes her the automatic recipient of audience sympathy, dominates the piece, she is ably assisted in making the story real and convincing by Donald Briggs, Paul Harvey, Eve Arden, Donnie Dunagan, Elizabeth Risdon and Ray Walker.

Innocently implicated in a gangster crime, during which her husband is slain, Miss Gurie is made the victim of political career-building legal prosecution and sentenced to jail, where her child is born. Existing proof of her innocence having been pigeonholed, after release she endeavors to reclaim her child and live a normal life. Her determination for revenge upon prosecutor Briggs dissolves when political boss Harvey endeavors to make her an accessory in a legal crime that would wreck Briggs, who with sister Miss Risdon had adopted little Dunagan.

Running time, 65 minutes. "G."* G. McC.

** "G" denotes general classification.*

Pathe Makes Color Film for King Carol

Pathe News has made a color film of the Rumanian Pavilion at the World's Fair for the special use of King Carol. The order came from the Rumanian Government.

Originally, the films were intended as a two-reel picture on the Fair, but because of the feeling that the Fair was hurting theatre business in New York, Pathe decided not to release it.

Footage is also being included in a "Reelism" subject, which will be released in black and white.

Eight New Pictures Approved by Legion

National Legion of Decency for the current week has approved all eight of the new films reviewed, six for general patronage and two for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Bachelor Mother," "Hero for a Day," "Saint in London," "Stunt Pilot," "Timber Stampede," "What a Life." Class A-2, Unobjectionable for Adults—"The Forgotten Woman," "Stronger Than Desire."

2 Hub Houses Clear $31,500 'Fury' Gross

BOSTON, July 4.—"Captain Fury" dualing with "6,000 Enemies" at both Loew's State and Orpheum, cleared a total of $31,500, $14,000 and $17,500 respectively.

"Mikado," in the second week with "For Love or Money," did well at the Metropolitan, taking $13,000.

Estimated takings for the week ending June 28:

"Spirit of Culver" (Univ.) (3 days)
"Rookie Cop" (RKO) (3 days)
"Man of Conquest" (Rep.) (2 days)
"Secret Service of the Air" (W. B.) (2 days)
"Dodge City" (W. B.) (2 days)
"Adventures of Jane Arden" (W. B.) (2 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c) 2nd run. Gross: $6,500. (Average, $7,600)
"Mikado" (Univ.)
"For Love or Money" (Univ.)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $13,000. (Average, $14,000)
"Kid from Kokomo" (W. B.)
"Streets of New York" (Mono.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $6,500. (Average, $8,000)
"Kid from Kokomo" (W. B.)
"Streets of New York" (Mono.)
FENWAY—(1,382) . (25c-35c-40c-55c) 7 days. Gross: 5,200. (Average, $5,300)
"Susannah of the Mounties" (20th-Fox)
"Charlie Chan in Reno" (20th-Fox)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $12,500. (Average, $14,500)
"Captain Fury" (U. A.)
"6,000 Enemies" (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: $17,500. (Average, $14,000)
"Captain Fury" (U. A.)
"6,000 Enemies" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: $14,000. (Average, $10,000)
"Prison Without Bars" (U. A.)
"Some Like It Hot" (Para.)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days, 2nd run. Gross: $4,000. (Average, $5,000)

'Daughters' Pulls $4,000, Cleveland

CLEVELAND, July 4. — "Missing Daughters" drew $4,000 at the Allen. "Captain Fury" at Loew's State came through with $8,500, and "Susannah of the Mounties" at Warners' Hippodrome did $8,000. The weather was hot.

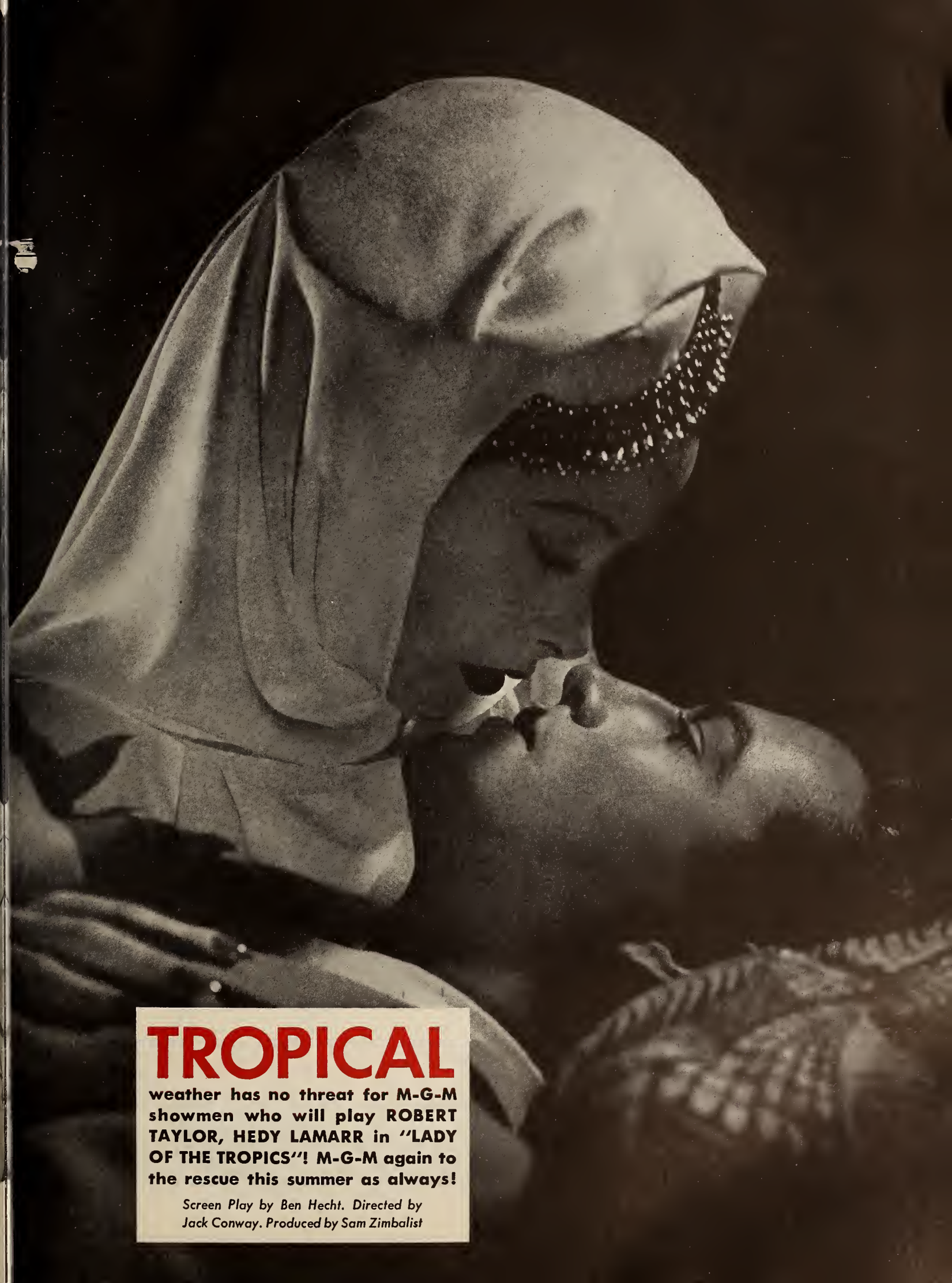
Estimated takings for the week ending Jupne 30:

"Missing Daughters" (Col.)
ALLEN—(3,000) (30c-35c-42c) 7 days. Gross: $4,000. (Average, $4,000)
"Susannah of the Mounties" (20th-Fox)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: $8,000. (Average, $10,000)
"The Mikado" (Univ.)
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $6,000. (Average, $8,000)
"Captain Fury" (U.A.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $8,500. (Average, $10,000)
"Goodbye Mr. Chips" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. 3rd week. Gross: $4,000. (Average, $5,000)

Buy Winning Novel

HOLLYWOOD, July 4.—"Children of God," which won the Harper Prize for its author, Vardis Fisher, has been bought by 20th Century-Fox for the film, "Brigham Young." Louis Bromfield, signed to write the screenplay, was one of the judges of the novel contest.





TROPICAL

weather has no threat for M-G-M showmen who will play ROBERT TAYLOR, HEDY LAMARR in "LADY OF THE TROPICS"! M-G-M again to the rescue this summer as always!

Screen Play by Ben Hecht. Directed by Jack Conway. Produced by Sam Zimbalist

'Chips' Smash Loop Winner, Clears $13,100

CHICAGO, July 4.—Business was excellent at the Apollo, where "Goodbye Mr. Chips" did $13,100. "Winner Take All," at the State-Lake, plus Bill Carlsen and band, took $12,600. The weather was fair and warm.

Estimated takings for the week ending June 28-July 1:

"Goodbye Mr. Chips" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: $13,100. (Average, $6,500)
"Invitation to Happiness" (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Phil Spitalny & Band. Gross: $32,600. (Average, $32,000)
"Juarez" (W.B.)
GARRICK—(900) (35c-40c-65c) 7 days. 2nd week. Gross: $4,200. (Average, $6,500)
"Three Smart Girls Grow Up" (Univ.)
"Hound of The Baskervilles" (20th-Fox)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $12,400. (Average $13,000)
"The Sun Never Sets" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Frank Fay and Revue. Gross: $15,000. (Average, $19,000)
"Only Angels Have Wings" (Col.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: 9,200. (Average $11,000)
"Winner Take All" (20th-Fox)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $12,600. (Average, $12,000)

Texas Company Formed

LAREDO, Tex., July 4. — Pan-American Broadcasting Co., this city, has been formed, with capital of $15,000, to operate a broadcasting business.

BANNER LINES

By JACK BANNER

A.F.R.A. VS. PALEY . . . Fourth of July is out of the way but a firecracker may yet pop off. If it does, that'll be the radio actors' union, A.F.R.A., in a strike declaration affecting CBS stations in St. Louis, Chicago, Cincinnati and Los Angeles. The union is merely awaiting a "strategic moment" before it issues a strike call.

A.F.R.A. members working for CBS in those cities already have indicated their readiness to walk out at a signal from the national board. Just the other day Mrs. Emily Holt, head of the union, held a conference with William S. Paley, and since nothing came of the meeting it is believed that the signal to strike may be given any day. All of the principals involved have been out of the city during the holiday and as a consequence the details of the dispute are not known.

Presumably, however, this is part of the general drive to obtain A.F.R.A. contracts at various local stations throughout the country. After the CBS detail is settled A.F.R.A., of course, will go after the NBC and independent stations in those cities, as well as stations everywhere. In New York City A.F.R.A. is currently conferring with the managements of WMCA, WHN and WNEW.

▼

KIGGINS PROMOTED . . . Keith Kiggins, manager of the station relations department of NBC, has been made director of the Blue network. In his new post, Kiggins will coordinate and supervise all activities of the Blue network, ranging from station relations and publicity service to sales, promotion, etc.

▼

PERSONALS . . . Neal Weed, manager of the Chicago office of Weed & Co., arrives in New York today for a week's stay prior to attending the NAB convention next week. . . . Frank R. Scadden marries Florence Oppenheimer of WOR's guest relations department next week. . . . Charlie Kenny and his bride have just returned from a western honeymoon.

▼

AFTER MORE THAN 21 YEARS . . . There's an "Order of Adventurers" program on NBC. Monday evening Private Abe Krotoshinsky made an appearance in the show. He is the only member of a group of 26 runners who managed to get through the German lines in the Argonne Forest to notify the American Army of the whereabouts of the Lost Battalion.

Supporting Krotoshinsky in the dramatic skit of that adventure was NBC actor Milton Herman. He is the first man with whom Krotoshinky talked after he crawled through the barbed wire into the American trenches. The two had not seen each other since that night on the battlefield.

'Kokomo' Hits Fine $18,500, Minneapolis

MINNEAPOLIS, July 4.—"The Kid from Kokomo" at the Orpheum did $18,500 with the assistance of Bob Hope on the stage. "Juarez" did a satisfactory $8,200 at the State.

In St. Paul, "Susannah," helped by a Major Bowes stage unit, did $8,500 at the Orpheum.

Estimated takings for the week ending June 29:

Minneapolis:

Hotel Imperial" (Para.)
"Jones Family in Hollywood" (20th-Fox)
"Girl and the Gambler" (RKO)
"Nancy Drew, Trouble Shooter"
ASTER—(900) (15c-25c) 7 days split week. Gross: $1,600. (Average, 1,500)
"Maisie" (M-G-M)
CENTURY—1,600) (25c-40c) 7 days. Gross: $2,900. (Average, $4,000)
"Gracie Allen Murder Case" (Para.)
GOPHER—(990) (25c) 7 days. Gross: $2,600. (Average, $2,500)
"Kid from Kokomo" (W.B.)
ORPHEUM—(2,900) (40c-55c) 7 days. With Bob Hope. Gross: $18,500. (Average, $4,800)
"Juarez" (W.B.)
STATE—(2,300) (25c-40c) 7 days. Gross: $8,200. (Average, $4,400)

St. Paul:

"Susannah of the Mounties" (20th-Fox)
ORPHEUM—(2,000) (40c-55c) 7 days. Major Bowes World's Fair unit on stage. Gross: $8,500. (Average, $3,200)
"Juarez" (W.B.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $4,700. (Average, $4,000)
"Bridal Suite" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,900. (Average, $1,800)
"Renegade Trail" (Para.)
"You Can't Get Away With Murder" (W.B.)
TOWER—(1,000) (25c) 7 days. Gross: $2,100. (Average, $1,500)
"Ecstacy" (Jewel)
World—(400) (25c-35c) 7 days. 2nd week. Gross: $1,200. (Average, $700)

Two CBS Renewals

CBS has received one year renewals for two Lever Bros. programs, "Big Sister," and "Aunt Jennie's Stories," both serial scripts. The renewals are effective starting next week. "Big Sister" is broadcast over 66 and "Aunt Jenny" over 59 stations.

Ayer Farnsworth Agency

Farnsworth Radio and Television Corp. has appointed the N. W. Ayer & Son agency to handle advertising and public relations. The account will be serviced through the Chicago office of the agency.

Seek Fair Broadcasts

SAN FRANCISCO, July 4.—Representatives of local radio stations have opened discussions with American Federation of Musicians, Local 6, to obtain permission to broadcast regular studio programs from the exposition, without payment of a special rate. If the concession is obtained, many programs will be moved to the island for the summer.

WBNX Power Raised

An increase in power has been granted WBNX, New York. The present operating power of 1,000 watts day and night is changed to 5,000 watts day and 1,000 watts night. The transmitter site will be changed from Cliffside, N. J., to Carlstadt, N. J. Construction at the new site will start immediately.

RKO and other circuits

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Games Spotty In Wisconsin After Decision

MILWAUKEE, July 4.—The theatre game situation in Wisconsin continues spotty as a result of the recent State Supreme Court decision holding Bank Night a lottery.

In various spots, in response to requests from district attorneys, exhibitors have discontinued Bank Night. Such towns include Milwaukee, Madison, Janesville, Stevens Point and Sheboygan.

At Antigo and Wausau, however, games are being continued and no action has been started. At Beloit, District Attorney John H. Matheson has filed action against T. M. Ellis, Jr., and G. A. Turner, co-partners in the Wisconsin Theatre Enterprise, charging "operation of a lottery, gift enterprise, game or scheme of chance called Shekels in the three Beloit motion-picture theatres." Matheson has been granted permission by the court to prosecute as a private citizen in the name of the state.

At Oshkosh, District Attorney Lewis C. Magnusen warned that Bank Night could not be operated under other names. The Oskosh theatre, it was charged, was operating the game under the name of Treasure Chest.

In Milwaukee, where the Warner-Saxe houses agreed to discontinue Hollywood, the district attorney refused to issue warrants against the circuit's Parkway and Savoy for holding guessing contests on the night of the Louis-Galento fight.

At Madison, where exhibitors have voluntarily agreed to drop the games, agitation has been started against other organizations staging games.

Seattle's Blue Law Not to Be Enforced

SEATTLE, July 4.—Local authorities will not take action against theatres here if they refuse to comply with Prosecuting Attorney B. Gray Warner's order invoking a 1909 "blue law" ordinance.

After a meeting with the prosecutor, Mayor Arthur B. Langlie and Sheriff William B. Severynes, theatre operators were advised that Sunday operation would be overlooked. The Sheriff, likewise, announced that he would refuse to act against the horse-race operators at Longacres track, which is outside the city limits but within King County and thus under Warner's jurisdiction.

Bank Night Seizure Is Halted in Troy, O.

TROY, O., July 4.—Common Pleas Judge Paul T. Klapp has granted a temporary injunction preventing seizure of Bank Night equipment in the suit of Andrew Attenweiler against C. F. Pfister, head of Troy Amusement Co., charging violation of the Ohio lottery law in operation of Bank Night at the Mayflower for more than three years.

Plaintiff is enjoined from filing further affidavits for search warrants, and his attorney is restrained from advising, encouraging or instituting search warrant affidavits.

Theatre, Personnel Notes

Manages Tennessee House

MOUNTAIN CITY, Tenn., July 4.—V. B. Coms is the new manager of the Strand here.

Sproule Takes 4 Houses

KANSAS CITY, July 4. — Lee Sproule, who formerly operated a large group of houses in Kansas, has reentered the business, resuming operation of the Lincoln, Clay Center, Kan.; Rialto, Marysville, Kan.; Rex, Newton, Kan., and Ritz, Winfield, Kan.

Remodels Iowa Theatre

WASHINGTON, Ia., July 4.—R. E. Pratt, owner of the State, has started an extensive remodeling program in the theatre. A new acoustical ceiling to replace the one recently destroyed by fire is planned.

Is Spartanburg Manager

SPARTANBURG, S. C., July 4. — Dave Garvin is the new manager of the Strand here. He was formerly manager of the Carolina in High Point.

Tri-States Building

DES MOINES, July 4. — Contracts are to be let soon for construction of the building that will house the new Tri-States theatre in Rock Island, Ill. The circuit is remodeling the front of the Rialto in Missouri Valley, Ia.

Standard Names Norton

KENOSHA, Wis., July 4.—William Exton has resigned as manager of Standard's Kenosha here and has been succeeded by Foster Norton, who will manage the circuit's Kenosha and Vogue jointly.

Walker M-G-M Booker

KANSAS CITY, July 4. — M-G-M has named W. W. Walker a booker in the local exchange, replacing Leon Abraham, now with RKO, and has promoted Harlan Everett to manager of ad sales.

Open Narragansett Casino

NARRAGANSETT, R. I., July 4. — The Casino has opened here for the Summer season under the management of Myer Stanzler. The house was considerably damaged in the September hurricane, but has been repaired and 550 new seats on the orchestra floor installed.

Interstate Opens House

SAN ANTONIO, July 4.—The Broadway has been opened here by Interstate Circuit.

Reopens in Cleveland

CLEVELAND, July 4.—Paul Gusdanovic has reopened the Corlett two days a week. The house closed early in June.

Seattle Prices Cut

SEATTLE, July 4.—Summer bargain matinee rates of 25 cents until 1 P.M. have been instituted by all Hamrick-Evergreen first run theatres here. After 1 P.M. the regular 30 cents admission will prevail until 5 P.M.

Sells Two in Cleveland

CLEVELAND, July 4.—Meyer Kaplan has sold the Savoy and Superior to Ben Cohen of Pittsburgh, retaining the Crown. Kaplan will continue to buy and book for the two houses which he sold.

Form Chicago Company

CHICAGO, July 4.—S. M. Glick and R. Kaplan have formed the Crown Amusement Corp. for the purpose of operating theatres and other amusement enterprises.

To Add 300 Seats

AKRON, O., July 4. — Robert Menches, owner of the Liberty plans the addition of 300 seats to his present seating capacity, making a total of approximately 1,000 seats.

Closes in Mt. Pelier, O.

MT. PELIER, O., July 4.—Glen Kaufman has closed the Paramount, planning to reopen it Sept. 1.

Takes Colorado House

DENVER, July 4.—Annabelle Hogue has taken over the Eaton at Eaton, Col., and will operate it. She owns the building housing the theatre.

Duals in Columbus

COLUMBUS, O., July 4.—Loew's Ohio has switched to a dual policy. Loew's Broad inaugurated double features about 10 days ago, following a similar move by the RKO Palace and Grand. This is the first time that all first run houses have played double features.

Takes Nebraska Theatre

KANSAS CITY, July 4.—Griffith-Dickinson Theatres, Inc., has taken over the Auburn, Auburn, Neb., from Olin Bennett. The circuit recently took over the Booth in Auburn.

'Naughty,' $6,100 Cincinnati Leader

CINCINNATI, July 4.—"Naughty But Nice," which gave Keith's $6,100, was the only picture to go above average in a week marked by competition from hot weather, baseball games and opening of summer opera season.

Estimated takings for the week ending June 28-July 1:

"The Kid From Kokomo" (W. B.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $9,400. (Average, $12,000)
"Goodbye, Mr. Chips" (M-G-M)
RKO PALACE—(2,700) (35c-42c) 7 days, 2nd week. Gross: $7,500. (Average, $10,000)
"Juarez" (W. B.)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 3rd week. Gross: $3,900. (Average, $6,500)
"The Sun Never Sets" (Univ.)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $3,100. (Average, $5,000)
"Young Mr. Lincoln" (20th-Fox)
RKO GRAND—(1,200) (25c-40c) 7 days, 2nd week. Gross: $2,300. (Average, $2,750)
"Mutiny on the Elsinore" (Big Feature Rights) (2 days)
"Charlie Chan at Reno" (20th-Fox) (3 days)
"Winner Take All" (20th-Fox)
RKO FAMILY—(1,000) (15c-25c). Gross: $1,900. (Average, $2,400)
"Naughty But Nice" (W. B.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $6,100. (Average, $6,000)

End Seattle Picketing

SEATTLE, July 4.—Picketing of the Center at White Center by Motion Picture Operators' Union Local 154 was ended by an agreement between the union and W. T. Coy and Ernest Lindgren, theatre owners. The theatre's suit against the union's demand that union operators be employed will be continued.

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VOL. 46. NO. 3 NEW YORK, THURSDAY, JULY 6, 1939 TEN CENTS

Best Foreign Sales Record For 20th-Fox

The best foreign business in the history of the company is being recorded currently by 20th Century-Fox, Walter Hutchinson, foreign department head, said yesterday on his return to New York from a three-month trip to Europe, Central and South America.

Hutchinson pointed out that the record foreign business of the company is being counted in the face of recurrent international disturbances.

Latin-American Optimism

He is highly optimistic about the prospects of increased business in the Latin-American market, asserting that he is convinced that tremendous gains would result if regular production attention were given the Latin film tastes by Hollywood studios. Hutchinson asserted that this is done on occasion for foreign markets elsewhere, adding that the Latin-American market is no less deserving of studio attention.

He reiterated views expressed by Sidney R. Kent on the latter's recent return from South and Central America, emphasizing that the importance of the market can be realized only by personal study and that more distribution executives should visit the nations to the south. Two Spanish language pictures are being released by 20th-Fox in the Latin-American market this month, he said.

Spanish Trade Gaining

Improved business conditions in Spain are expected in the near future, Hutchinson said. In anticipation of an upturn, 20th Century-Fox is moving its operating headquarters from Barcelona, where they were maintained throughout the civil war, to Madrid.

Hutchinson said he will confer at once with Clay V. Hake, managing director for Australia, who is now in New York.

Await Legal Opinion On Illinois Duals Act

CHICAGO, July 5.—Attorney General Cassidy is preparing an opinion to be submitted to Governor Horner regarding the act to bar double features by limiting performances to two hours and fifteen minutes. Cassidy expects to have his opinion by the end of the week.

Opponents of the bill contend it is an unwarranted restriction as much as if the legislature limited the amount of goods that might be sold by merchants to customers.

U. S. ACTS TO SET TRIAL IN OCTOBER

Knox to Get Federal Plea For Preferred Place On Court Calendar

The Government will apply to Federal Judge John C. Knox, senior district judge in charge of the trial calendar, for a preference for its anti-trust suit against the majors, which would fix its trial some time in October, it was learned in reliable sources yesterday.

Special Assistant Attorney General Paul Williams, who conferred with Judge Knox yesterday, will return late this month from Washington to make the application. Under Federal court rules, no date can be fixed until the 20 days allowed for amending the answers have expired, it was said.

Because of the crowded court calendar, it may be difficult for Williams to obtain a trial this year, court sources indicated, in which event the trial could be expedited only by a Government application for the appointment of a referee, whose findings would be passed upon by a statutory three-judge court.

Brandt Has Washington Date July 18; Tupper to N. Y. Again

WASHINGTON, July 5.—Two to three months more will be required for completion of the Department of Commerce Study of the motion picture industry, it was disclosed today by department officials.

Aside from an engagement for July 18 with Harry Brandt of the New York I.T.O.A., no dates have been fixed for further meetings with any representatives of the industry, although arrangements for a conference with representatives of Allied States are expected to be made in the near future.

Ernest Tupper, chief statistician of the Bureau of Foreign and Domestic Commerce, plans another discussion this week or next with J. H. Hazen of Warners, who is compiling information which department officials asked for a month ago, but was unable to say whether the work has progressed to a point where a general meeting with the group is advisable.

U.S. to Close Case Today Against B-K

CHICAGO, July 5.—The Federal government expects to finish its side of the contempt case against Balaban and Katz and the majors tomorrow or Friday. It is reliably reported that the trial then will be adjourned until Sept. 5.

Aaron Jones, Sr., John Jones and R. O. Farrell testified as government witnesses today. The two Joneses testified regarding the theatre setup in the Loop while Farrell gave information regarding Oriental theatre deals. Other exhibitors may be summoned to give additional testimony on the stand tomorrow.

Circuits Undecided Upon Games Policy

No immediate elimination of chance games is contemplated by circuits operating in Brooklyn, a survey revealed yesterday.

Century, which eliminated games Friday, because of the Atlantic Theatre decision, has found that there has been no unfavorable audience reaction.

Similarly, the effect on business in the midtown area because of the suspension of games which went into effect Monday cannot be judged. Circuit heads still have the whole question under consideration, however.

Interboro experimented last week by withdrawing games for one night at the Williamsburgh and College Point Theatres, but decided to reinstate them.

'Bosh,' Replies AFA As 4A's Serve Bill

Charges that the American Federation of Actors failed to organize 50 film houses having stage shows, although support was assured by the Screen Actors Guild, are contained in the bill of particulars served yesterday upon the A. F. A. by Paul N. Turner, counsel of the American Association of Artists and Artistes.

The Roxy, Music Hall, Loew's State and Paramount were the theatres specifically mentioned.

The six-page bill was in the main repetitious of the original charges. Abraham J. Halperin, counsel for the A. F. A., yesterday termed the bill "bosh," but said that he would serve his answer today and be ready for the

(*Continued on page 3*)

RKO Readies Self for New Organization

Final papers for the organization of the new RKO company are being prepared in anticipation of court decisions which may permit closing of the RKO reorganization before the end of Summer.

While there is no definite indication yet whether the windup will come in one month or four, proponents of the reorganization plan are resolved not to be caught napping and plan to have all organization details ready in the event of early favorable court action.

Preparing New Stock

The work now under way includes preparation of the certificate of incorporation, by-laws of the new company and the new stock certificates. Work is being done by Simpson, Thacher & Bartlett, counsel for Atlas Corp.

Despite an early decision from the U. S. Court of Appeals on appeals of RKO creditors from the order confirming the reorganization plan, the actual emergence of the company from court supervision might be further delayed by creditors' appeals to the U. S. Supreme Court, in the event they were overruled in the Circuit Court.

Issue of $1,500,000

There then would be a question as to whether or not proponents could afford to proceed with consummation of the plan while applications for certiorari were pending in the Supreme Court.

Meanwhile, final arrangements for underwriting the $1,500,000 issue to provide working capital for the new company are being held in abeyance pending the Circuit Court decision on the appeals.

Likewise, first meeting of the board of the new company, and election of officers, is being deferred for the same reason.

Tri-National Deal With Alliance Off

Discussions looking to a merger of Alliance Films and Tri-National Pictures, under way for several weeks past, have been discontinued without an agreement having been reached, principals in the discussions said yesterday.

Object of the negotiations was the formation of a new company to represent leading foreign producers in this market. Budd Rogers is head of Alliance and John E. Otterson of Tri-National.

Ascap Fights New Florida, Dakota Laws

Continuing its policy of fighting legislation adverse to its regional operations, Ascap will file a supplemental bill of complaint and a motion for an injunction at Gainesville, Fla., today to restrain state officials from putting the new anti-Ascap law there into effect.

In addition, Ascap has taken the position that North Dakota's anti-Ascap law has made it impracticable for the society to do business in that state and, since no commercial users of music will be licensed in North Dakota, none of the music in the Ascap catalogue may be used for public performance for profit within the state. In line with this decision, Ascap has directed radio networks to cease feeding Ascap music to N. D. stations.

"The broadcasters stood by and watched these legislative efforts go on for a long time," an Ascap spokesman said yesterday. "Now they must be made to realize that they, too, are affected by laws which prohibit us from operating in any section of the country."

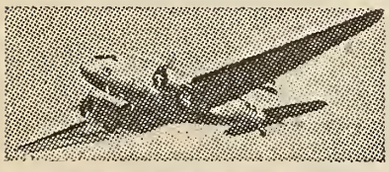
Two suits to restrain North Dakota music users from performing Ascap music were started in Fargo last week.

Forms Softball League

Teams representing seven film companies have organized the Motion Picture Softball League. M-G-M, 20th Century-Fox, Vitagraph, United Artists, Republic, Warners and Monogram comprise the league.

BUSINESS MEN!

WANT MORE TIME AT HOME?



Fly TWA! Make Your Longest Trip Home in a Few Hours!

LOS ANGELES or SAN FRANCISCO—Overnight via TWA's Skysleeper! Leave at 5:30 p.m.—fly the fastest route to the Coast—arrive in either city after breakfast.....$149.95

KANSAS CITY—New Daily afternoon service—Leave at 1:00 p.m.—arrive in Kansas City at 8:15 p.m.....$66.45

CHICAGO—4 hrs. 35 min.! New Daily "Commuter Air Service" to Chicago—8 flights a day (2 Nonstop).....$44.95

TWA IS THE ONLY AIRLINE THAT FLIES DIRECT TO BOTH FAIRS VIA GRAND CANYON and BOULDER DAM!

10% Discount on Round Trips!

All Schedules on Standard Time

Phone Travel Agent or MU 6-1640
Transcontinental & Western Air, Inc.
70 E. 42nd St.—Air Desk, Penn. Station

TWA

SHORTEST, FASTEST COAST-TO-COAST

Purely Personal

JAMES ROOSEVELT is scheduled to arrive in New York from the coast on Tuesday, preparatory to sailing for Europe in connection with London and Paris openings of SAMUEL GOLDWYN'S "Music School."

•

RALPH RICHARDSON won the award for the best masculine performance in a British film during 1938 for his work in "South Riding," in a poll conducted among readers by *Film Weekly*, English fan magazine.

•

YNEZ DRUBIN, daughter of MABEL DREW of the 20th Century-Fox publicity department, will be married Sunday to JULIAN D. SHEAR at the Franklin Towers, New York.

•

WERNER JANSSEN has been signed by WALTER WANGER as musical director on "Eternally Yours." He has just completed the musical score of WANGER'S "Winter Carnival."

•

WILLIAM F. RODGERS, TOM CONNORS, E. K. O'SHEA, HARRY BRANDT, SOPHIE TUCKER, EARL CARROLL at Nick's Hunting Room in the Astor for lunch yesterday.

•

WILLIAM G. CLARK, manager of the Alamo, Pine Bluff, Ark., is the father of a boy, WILLIAM OLIVER, weighing in at 7½ pounds, born to MRS. CLARK late last week.

•

ELLEN DREW, Paramount player, has returned to Hollywood after a two-month European vacation, to appear in "The Broken Heart Cafe," for Paramount.

•

MARY MARTIN, star in the Broadway musical, "Leave It to Me," has arrived in Hollywood to begin work in Paramount's "Victor Herbert."

•

JAMES ELLISON, RKO player, and his wife, arrived in New York from the Coast yesterday for a three-week vaction. It is his first visit here.

•

HARRY MORRISON is the new film editor of the *Indianapolis Times*, succeeding JAMES D. THRASHER, transferred to the city staff.

•

BILL HEBERT, MURPHY MCHENRY, WALTER HUTCHINSON, SAM SHAIN, LES WHELAN, at the Plaza for lunch yesterday.

•

BERNE GILER'S original, "Legion of the Lawless," has been purchased by RKO as a vehicle for GEORGE O'BRIEN.

•

MORGAN PADELFORD of Technicolor's color control department left for England on the *Queen Mary* yesterday.

•

EDITH ELFSTROM of the Walter Reade home office is vacationing in Pennsylvania.

•

BETTY GOLDSMITH, secretary to JAMES MULVEY, is on her vacation.

•

BEN WASHER returned yesterday from a trip to Bermuda.

ROBERT GILLHAM, Paramount advertising and publicity director, returned to New York yesterday from a brief vacation which was preceded by a studio visit.

•

HERBERT WILCOX, British producer; BUDDY ROGERS and his wife, MARY PICKFORD, ARTHUR HORNBLOW and his wife, MYRNA LOY, and ELSA LANCHESTER, wife of CHARLES LAUGHTON, left England on the *Normandie* yesterday and are due in New York on Monday. MISS PICKFORD and DOUGLAS FAIRBANKS, SR., visited the ALEXANDER KORDA studios while in London.

•

C. A. GOEBEL, Cameo and Columbia Theatres, Bristol, Va.; J. B. REISMAN, Warner Bros. Theatre, York, Pa., and BERNARD E. SMITH, Butterfield Circuit, Detroit, were recent visitors at the RKO lounge.

•

SAUL TRAUNER, assistant sales head at Columbia's New York exchange, has left for a two-week vacation. E. A. HELOUIS, office manager, returned yesterday after a few weeks upstate.

•

MORRIS GOODMAN, vice-president in charge of foreign distribution for Republic, returns today after 14 weeks visiting South and Central America by air.

•

EDWIN NOLAN, manager of the City, Manhattan, and LAURA FERRARI of the Cinema Circuit will be married Sunday.

•

JIMMY BOYLE of RKO's publicity staff leaves the end of this week for a two-week vacation.

For Lunch, Dinner or Supper
LaHIFF'S TAVERN
The Industry's
MEETING and EATING PLACE
156 W. 48th St. Tel. CHickering 4-4200



UNITED
TO CHICAGO
Only 4 hrs. 35 min.
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MAINLINERS
★
NON-STOPS:
THE '12:15' THE '3:15'
THE '5:15'*
Call United, travel agents, hotels (*E.S.T.)
UNITED
AIR LINES
58 E. 42nd St. MU-2-7300

Fare by Height

Cincinnati, July 5. — Exhibitors might get an idea on children's admissions from the method employed by the Ohio Bus Lines, operating between here and Hamilton. Children's fares are determined according to height. If under 46 inches, the child rides free. Between 46 and 55 inches, half fare is charged, while full fare is collected for over 55 inches. A measuring gauge indicating both heights is located just inside the bus door.

Toronto Clearance Problem Up Today

TORONTO, July 5.—Major film distributors of Toronto will be represented at a meeting tomorrow of the new Conciliation Board of Nova Scotia at Halifax, N. S., called to reorganize the clearance situation in the province. The meeting follows a general meeting at Halifax today of the Allied Exhibitors Association of Nova Scotia, at which proposals were drawn up for the consideration of the conciliation committee.

The whole trade situation in Nova Scotia is being studied with the intention of adopting measures which will make enforcement of the law for Government control of film bookings unnecessary.

Interference Issue Delays FCC Actions

WASHINGTON, July 5.—Final action on 24 applications for night time operation on regional frequencies was today suspended by the Federal Communications Commission pending investigations to determine whether interference will result when the maximum night power on such channels is increased to 5,000 watts on August 1.

Nine applications for new stations are included among those which will be held up, it was said. Fifteen of the applications have been heard and new hearings will be necessary to determine the question of interference.

Marx on Talent Hunt

Sam Marx, Columbia story editor, arrived in New York from the Coast yesterday to spend several weeks looking over play material and talent presented by Summer stock companies in the East.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
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New Haven's Films Suffer Gross Slump

NEW HAVEN, July 5.—"Young Mr. Lincoln" and "Susannah of the Mounties" took $7,000 at the Loew-Poli. Second week of "Tarzan Finds a Son" and "Bridal Suite" drew $2,100 at the Loew-College.

Estimated takings for the week ending June 30:

"Tarzan Finds a Son" (M-G-M)
"Bridal Suite" (M-G-M)
COLLEGE—(1,499) (35c-50c, 7 days, 2nd week. Gross: $2,100. (Average, $2,700)
"Young Mr. Lincoln" (20th-Fox)
"Susannah of the Mounties" (20th-Fox)
LOEW-POLI—(3,040) (25c-50c) 7 days. Gross: $7,000. (Average, $8,000)
"Invitation to Happiness" (Para.)
"Woman Doctor" (Republic)
PARAMOUNT—(2,348) (35c-50c) 6 days, 2nd week. Gross: $2,400. (Average, $4,000)
"Of Human Bondage" (RKO)
"Kid from Kokomo" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $3,600. (Average, $4,700)

Plan Projection Day At N.Y. World's Fair

Joseph Basson, president of New York Projectionists Local 306 has appointed a committee to make arrangements for Projectionists' Day at the New York World's Fair in September.

The arrangements committee, of which P. A. McGuire of International Projector Corp., is chairman, includes G. Edwards, C. Eichhorn, and O. Kafka. A date for the event and committees to handle the affair will be announced shortly.

Republic Planning More Costly Films

HOLLYWOOD, July 5.—Details of Republic's program of more expensive pictures will be set this and next week in New York by Herbert J. Yates, Sol C. Siegel and other officials. Productions will be outlined in full before Yates departs with Gene Autry July 15 for England. Autry leaves here for New York tomorrow. Armand Schaefer, Republic associate producer, leaves tomorrow for Chicago to plan a picture based on Station WLS national barn dance.

Must Recognize CIO

WASHINGTON, July 5.—N.L.R.B. today directed Universal's Philadelphia exchange to bargain, upon request, with United Office and Professional Workers of America (C.I.O.) as bargaining representative of the branch's office workers. Universal's home office employes were organized by the union last Winter.

Heads NBC Press

William Kostka of the NBC publicity department, yesterday was appointed manager of the press division, effective at once. He succeeds Wayne Randall, who recently resigned. Edward Curtin continues as news editor.

Golden Leaves 'U'

HOLLYWOOD, July 6.—Max Golden, who produced eight pictures in the past year at Universal, left today upon expiration of his contract and will take a vacation before announcing his new affiliation.

Insider's Outlook

By SAM SHAIN

OTHERS had a four-day unbroken holiday weekend, but a newspaperman's life is a hard one. On Monday, there was work to be done, and after two delightful days with the Carlos Israels and their neighbors, Major and Mrs. Howard Levinson at Lake Oscawana, we were back in the city, but for that day only. Sunday at Hollowbrook for golf we saw Paul Lazarus, Jr., and Paul, Sr.

New York City, on Monday, was sultry and confining, and the town became packed with visitors. Broadway was jammed, so that we were glad when the Ernest Emerlings, who have only recently returned from abroad, arrived with Fay Gillis and we trotted off to a nice French restaurant, the Mascotte, in the early sixties.

Then to a showing of "On Borrowed Time," at Loew's. Metro has transcribed the successful play with scrupulous fidelity, fully capturing the charming fantasy of the plot, its humor and poignancy while yet giving unto it breadth of movement and action. The picture has imagination and should prove a critic's delight.

Tuesday was a grand day, in the country with the Murray Silverstones and Ralph Doyle. The Harry Golds sailed up from Manhasset to say, "Hello."

RAN into John Hertz, Jr., at Sardi's. He was having lunch with John Golden. We like his reference to picture advertising when he says: "Good craftsmanship in picture making deserves good craftsmanship in the advertising representing them."

OUR Toronto correspondent advises us that there is pending before Mayor R. C. Day of that city a proposal for early closing of all retail stores, so that employes may have the opportunity for amusement daily except Saturdays or the night before a holiday. It is interesting to note that under a suggested law, which would stipulate certain hours during which the establishments may remain open, drug stores, restaurants, ice cream parlors and news stands are excepted. The ordinance sponsored by Mayor Day would provide for a six-o'clock daily closing, except on Saturdays, and a half-holiday on Wednesdays, except during the immediate period before Christmas. Certainly nothing so novel in the way of civic regulations has heretofore been presented.

GEORGE BERNARD SHAW and H. G. Wells are members of the newly formed Council of the Screenwriters' Associations in London of which A. P. Herbert is president.

APPLAUSE for George B. Wellbaum, general information manager of the N. Y. Telephone Co., for the detailed and comprehensive telephone directory of the N. Y. World's Fair. Printed on both sides of one card, all of the principal officers and attractions are listed alphabetically.

THERE is no end to the varied mail which we receive. From Sid Rechetnik we get a colorful pressbook on "Daughters Courageous." It contains numerous stunts, stories, ads, and accessory suggestions. The cover of the book is illustrative of the selling copy generally. Trade press comment and highlights of the campaign used in connection with the showing of the picture at the Strand on Broadway are included, and special attention is given to the woman appeal and the family trade. Tieups are listed with Chesterfield cigarettes, Electric Auto-Lite, Philco and the House of Westmore beauty preparations. The book contains a 12-page advertising section.

IN our travels about town we discovered that certain persons are endeavoring to establish a Spanish film producing company in New York. Among them is Benito Collada, operator of the El Chico cafe in Greenwich Village, and who also is managing director of the Argentine restaurant at the World's Fair. Collada has several Spanish plays under consideration.

FOR the past two weeks, Bill Crouch writes us, the office of the Corporation Counsel in Chicago has been studying the legality of the NBC radio show, "Dr. I. Q." The show is running currently in the Chicago Theatre on Monday nights and is broadcast from the stage. The city's lawyers are searching for the "chance element" in the program.

NEITHER Floyd Odlum, personally, nor Atlas Corp., is interested in or considering financing of Grand National, according to official spokesmen.

'Bosh,' Replies AFA as 4A's Cite Charges

(*Continued from page* 1)

trial which is scheduled to start Monday.

Details of the charge that the A. F. A. was not democratically controlled were contained in the bill. This charge included that the A. F. A. governing body is not composed of performers in good standing; that there were practically no membership meetings; that the better class of the membership is so disgusted that they declined to attend; that meetings were called on unimportant issues or to ratify acts already completed; that the question of raising dues was not submitted to a vote; that copies of the constitution and by-laws were not furnished to the membership, and that meetings were called when most of the membership was out of town.

It was also alleged that both the S. A. G. and the American Federation of Radio Artists frequently offered cooperation in organizational drives, but that the aid was refused.

A delegation from the "Ferrets," A. F. A. opposition group, called on Turner yesterday to request permission to be heard at the trial.

Push Negotiations In 5-Boro Dispute

Negotiations between the Five Boro Circuit, Theatre Managers, Agents and Treasurers Union and Entertainment, Exhibition and Exposition Employes National Union continued until a late hour last night but no agreement was reached. Further conferences will be held tomorrow.

A scheduled ratification meeting of 72 Five Boro employes was postponed.

A truce was declared in the TMAT strike at the Jewel theatre, Brooklyn. A strike was declared there several weeks ago because of the discharge of an assistant manager for alleged union activities. There will be no picketing, pending negotiations which start tomorrow.

New Date Decided For ITOA's Outing

Outing of Independent Theatre Owners Association, scheduled for July 25, has been postponed to July 27 because the former date falls on a Jewish holiday. The same program will prevail with the party going to Indian Point on the *Alexander Hamilton*. Preparations for the annual baseball game between the exhibitors and film salesmen have begun.

'Yokel Boy' Opens

Only legitimate stage production scheduled to open this month is "Yokel Boy," a musical by Lew Brown, which bows in at the Majestic tonight. Brown is the producer as well as contributor of several songs with Charles Tobias and Sam Stept. Gordon Wiles directed and Walter Jagemann designed the scenery. Included in the cast are Buddy Ebsen, Dixie Dunbar, Judy, Ann and Zeke Canova, Jackie Heller, Lois January and Phil Silvers.

Notice Again!

Daughters



JOHN GARFIELD

CLAUDE RAINS

JEFFREY LYNN · FAY BAINTER · DONALD CRISP

MAY ROBSON · Frank McHugh · Dick Foran

and THE "FOUR DAUGHTERS"

PRISCILLA LANE · ROSEMARY LANE

LOLA LANE · GALE PAGE



Directed by MICHAEL CURTIZ

Original Screen Play by Julius J. and Philip G. Epstein • Suggested by a Play by Dorothy Bennett and Irving White • Music by Max Steiner • A First National Picture

Jack L. Warner
In Charge of Production

Hal B. Wallis
Executive Producer

Henry Blanke
Associate Producer

Against Any and All Attractions Now Offered by Every Company, the No. 1 Property, Again and Incontestably, is the One You Get From

WARNER BROS.

Courageous

"'DAUGHTERS COURAGEOUS' IS SUPERIOR TO 'FOUR DAUGHTERS'!"
Walter Winchell

"WILL TRUMP 'FOUR DAUGHTERS' FOR A B. O. SLAM! A LOLLAPALOOZA!"
Film Daily

"WARNER BROS.' FOLLOW-UP TO 'FOUR DAUGHTERS'—AND BETTER!"
Jimmy Fidler

"IT WILL DO EVEN BETTER BUSINESS THAN 'FOUR DAUGHTERS'!"
Daily Variety

"DESERVES A NICHE ALL ITS OWN! SAME APPEAL AS '4 DAUGHTERS'!"
Motion Picture Daily

"IT'S A FACT! THIS IS A BETTER PICTURE THAN '4 DAUGHTERS'!"
Motion Picture Herald

First date (N.Y.) hits top 2-week gross of past 6 months!!!

Theatre, Personnel Brevities

Opens Kentucky House

CINCINNATI, July 5.—Louis Wiethe, who operates the Bond, local suburban, and the Latonia, at Latonia, Ky., across the river from here, has opened the 950-seat Kentucky, completed at cost of $100,000.

Booths Reopen Theatre

RICH HILL, Mo., July 5.—Mrs. Booth and her son, S. W. Booth, have reopened the Booth here. The theatre has been completely renovated and reequipped.

Build in Vancouver

VANCOUVER, July 5.—West Coast Theatres plan an early start on construction of a new 700-seat house in the West Point Grey residential section here. College Theatre, as it will be known, is expected to be open by Sept. 15. Total cost is expected to be about $30,000.

Reopen in Bridgeport

BRIDGEPORT, Conn., July 5.—Jack Schwartz has reopened the 700-seat West End, after renovation.

House Closed for Summer

MANSFIELD, O., July 5.—Warners' Majestic has closed for the summer, with reopening tentatively scheduled for fall. Wayne Williams, manager, will pinch hit for managers at Warners' Ohio and Madison here during the vacation season, according to Frank Harpster, district manager.

Plans Topeka Theatre

TOPEKA, Kan., July 5.—E. W. Bowers, new to the theatre business, has started a new theatre building in Oakland, suburb of Topeka.

Partner in Conn. House

EAST HAVEN, Conn., July 5.—Herbert Herr of East Haven is a new partner of William Hoyt in the operation of the 748-seat Capitol, replacing Abel Jacocks.

New Cincinnati Theatre

CINCINNATI, July 5.—F. Wesley Huss, head of the Hamilton Amusement Co., an Associated Theatres subsidiary, has taken over several store and apartment buildings, which will be razed, and the site converted into a parking lot for accommodation of patrons of the Americus operated by the organization.

'Tarzan' Garners Neat $7,300, Omaha

OMAHA, July 5.—"Tarzan Finds a Son" and "Winner Take All" hit a good $7,300 at the Omaha. The Brandeis came in with $5,300 for "The Mikado" and "Missing Daughters."

"The Mikado" (Univ.)
"Missing Daughters" (Col.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $5,300. (Average, $4,000)
"Tarzan Finds a Son" (M-G-M)
"Winner Take All" (20th-Fox)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $7,300. (Average, $6,000)
"Young Mr. Lincoln" (20th-Fox)
"King of Chinatown" (Para.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $8,600. (Average, $7,600)

Hollywood Preview

"Career"

(RKO)

HOLLYWOOD, July 5.—Doubtless the news about this film most important to showmen is that it's as solid and screenworthy as it needs to be to make good the extensive exploitation given it on Jesse L. Lasky's "Gateway to Hollywood" radio program. The young couple, brought to pictures by Lasky's radio enterprise and now known as Alice Eden and John Archer, live up to any reasonable expectations in their first film appearance and they are surrounded by players of seasoned ability and definite name value.

Edward Ellis, Samuel S. Hinds and Janet Beecher carry the principal roles and make them extremely realistic. Anne Shirley is pleasantly occupied and to Leon Errol and Raymond Hutton fall fat comedy parts in which they humorously demonstrate the effects of drug store liquor of the variety dished out in 1931 in these United States. The young man christened John Archer seems to have what it takes for pictures and Alice Eden is at least as good as many a young actress who got into the films elsewise than by contest procedure.

The scene of Phil Strong's novel, adapted by Bert Granet and put in screenplay form by Dalton Trumbo, is a small town in Iowa. The time is 1931, specifically July 4, Thanksgiving and Christmas of that year, and one or all of these gentlemen must have been there, so faithful is the reproduction. The story is about a storekeeper and a banker, their past and present conflicts and the love affairs of their children. A bank failure provides the high point of dramatic interest, but this, in common with all other points, is handled for logical effect rather than for melodrama. The principal junior romance is permitted to end as it would, in view of story factors, instead of happily.

Robert Sisk produced the picture with marked fidelity to the scene, the time and the peculiar characteristics of the small Iowa town and its people, a sterling job. Leigh Jason's direction is similarly faithful to the subject matter. He keeps his players doing the commonplace things which are their principal occupation, in simple, commonplace manner. Ellis and Hinds, in particular, reward him with rich performances.

The film is suitable for grownups or children of any place or time. Running time, 80 minutes. "G."* ROSCOE WILLIAMS

** "G" denotes general classification.*

'Chips' with $9,800 Hit in Indianapolis

INDIANAPOLIS, July 5.—"Goodbye, Mr. Chips" did smash $9,800 business at Loew's where "Tell No Tales" shared the bill with it. "Nancy Drew, Trouble Shooter," at the Lyric with Johnny (Scat) Davis on the stage, took $9,100. The weather was hot.

Estimated takings for the week ending June 30:

"Star of Midnight" (RKO)
"The Lost Patrol" (RKO)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $2,500. (Average, $2,500)
"Susannah of the Mounties" (20th-Fox)
"The Gracie Allen Murder Case" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $6,200. (Average, $5,500)
"Goodbye, Mr. Chips" (M-G-M)
"Tell No Tales" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $9,800. (Average, $7,000)
"Nancy Drew, Trouble Shooter" (W. B.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Johnny (Scat) Davis with band, Vido Musso, Joe Besser, Lee Royce, Val Seltz, Harry Downing, Betty Van. Gross: $9,100. (Average, $8,000)

Percy Furber Improves

Percy N. Furber, Trans-Lux president, is recovering at Norwalk Hospital, Norwalk, Conn., from a stroke suffered while playing golf over the holiday. Furber was reported yesterday to be making steady progress toward recovery and was expected to be able to leave the hospital for his home today.

Buffalo Golf July 17

BUFFALO, July 5.—Local Variety Club will hold a golf tournament and dance on July 17.

'Wonderful' $5,500 Oklahoma City Lead

OKLAHOMA CITY, July 5.—"It's a Wonderful World" drew $5,500 at the Criterion, in a week of slow business, with cool weather and showers.

Estimated takings for the week ending June 30:

"It's A Wonderful World" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,500. (Average, $5,500)
"Some Like It Hot" (Para.)
"The Mystery of the White Room" (Univ.)
LIBERTY—(1,200) (15c-20c-25c) 4 days. Gross: $1,900. (Average, $1,800)
"The Adventures of Jane Arden" (W. B.)
"The Jones Family In Hollywood" (20th-Fox)
LIBERTY—(1,200) (15c-20c-25c) 3 days. Gross: $700. (Average, $700)
"Tarzan Finds a Son" (M-G-M)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: 3,400. (Average, $4,200)
"Captain Fury" (U. A.)
PLAZA—(750) (25c-35c-40c) 7 days, 2nd week. Gross: $1,400. (Average, $1,700)
"Mexicali Rose" (Rep.)
STATE—(1,200) (15c-25c) 7 days. Gross: $2,400. (Average, $2,500)
"Young Mr. Lincoln" (20th-Fox)
TOWER—(1,000) (25c-35c-40c) 7 days, 2nd week. Gross: $2,000. (Average, $2,500)

Set Gibraltar Meeting

DENVER, July 5.—Charles R. Gilmour, president, has set the annual convention of Gibraltar Enterprises, Inc., for Aug. 4-7, here. Others in the territory who will attend include E. W. Ward, Everett Cole, William Ostenberg, Ed Schulte, Thomas Murphy, Nathan Salmon and John Greer.

Buys Ritz, Panora, Ia.

PANORA, Ia., July 5.—George Woods of Kingsley, Ia., has bought the Ritz here.

Films Show Weak Takes At Montreal

MONTREAL, July 5.—"Juarez" earned $6,500 in its second week at Loew's, for the best comparative gross in a dull week. "Young Mr. Lincoln" registered $6,800 at the Palace.

Estimated takings for the week ending June 30:

"The Kid from Kokomo" (W. B.)
"Naughty But Nice" (W. B.)
CAPITOL — (2,547) (25c-40c-55c-65c). Gross: $5,900. (Average, $8,000)
"Jaurez" (W. B.)
LOEW'S—(2,800) (30c-40c-60c) 2nd week. Gross: $6,500. (Average, $8,000)
"The Lady's from Kentucky" (Para.)
"Bulldog Drummond's Secret Police" (Para.)
ORPHEUM—(919) (25c-35c-50c). Gross: $2,400. (Average, $5,000)
"Young Mr. Lincoln" (20th-Fox)
PALACE—(2,600) (25c-40c-55c-65c). Gross: $6,800. (Average, $11,000)
"The Gorilla" (20th-Fox)
"Romance of the Redwoods" (Col.)
PRINCESS — (2,272) (25c-35c-50c-65c). Gross: $3,900. (Average, $6,500)

Buffalo Takes Skid; 'Sun' Draws $6,100

BUFFALO, July 5.—Grosses were off here in hot, dry weather. Not a downtown house touched normal, with the Lafayette dual of "The Sun Never Sets" and "White Room" earning $6,100.

Estimated takings for the week ending July 1:

"Naughty But Nice" (W. B.)
BUFFALO—(3,000) (30c-55c) 7 days. Gross: $10,600. (Average, $12,000)
"Kokomo" (W. B.)
"On Trial" (W. B.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $6,800. (Average, $7,500)
"My Man Godfrey (Univ.)
"The Old Dark House" (Univ.)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $4,500. (Average, $6,800)
"6,000 Enemies" (M-G-M)
"Panama Lady" (RKO)
CENTURY—(3,000) (25c) 7 days. Gross: $3,700. (Average, $6,000)
"The Sun Never Sets" (Univ.)
"White Room" (Univ.)
LAFAYETTE—(3,300) (25c) 7 days. Gross: $6,100. (Average, $6,300)

Providence Slow; 'Susannah' $6,800

PROVIDENCE, July 5.—Although cool weather over the weekend helped somewhat, the downtown theatres all fell below normal. The best comparative gross went to the Majestic's dual, "Susannah of the Mounties" and "It Could Happen to You," with $6,800.

Estimated takings for the week ending June 28-29:

"Grand Jury Secrets" (Para.)
"The Zero Hour" (Rep.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $5,700. (Average, $6,000)
"Susannah of the Mounties" (20th-Fox)
"It Could Happen to You" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $6,800. (Average, $7,000)
"Bridal Suite" (M-G-M)
"King of the Turf" (U. A.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $9,000. (Average, $11,000)
"Tarzan Finds a Son" (M-G-M)
"Panama Patrol" (G. N.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $2,500. (Average, $3,500)

Eickelberg Promoted

SAN FRANCISCO, July 5.—Wilbur Eickelberg, KFRC manager for the last three years, has been promoted to general sales manager of entire Don Lee network, with headquarters at KHJ, Los Angeles, effective immediately. Bill Pabst will succeed Eickelberg as station manager here.

'Good Girls Go To Paris"...and good crowds have been pouring into the Radio City Music Hall!



Watch them flock to <u>your</u> house when you play this swell comedy about the simple miss from Minnesota who made four boy friends fight for the privilege of taking her to Paree!



GOOD GIRLS GO TO PARIS

co-starring

MELVYN DOUGLAS ★ JOAN BLONDELL

with

WALTER CONNOLLY ★ ALAN CURTIS ★ JOAN PERRY

SCREEN PLAY BY GLADYS LEHMAN AND KEN ENGLUND

DIRECTED BY ALEXANDER HALL

PRODUCED BY William Perlberg

A COLUMBIA PICTURE

On your mark...get set...GOO!





And did Baby Sandy go! In "East Side of Heaven" with Bing Crosby he won every critic in the country! He's next to the heart of everyone! More arms ache to hold him, more people want to see him, than any other new star in the business. And it's *your* "Business" in "Unexpected Father!"









The New Universal presents

BABY SANDY *in*

"UNEXPECTED FATHER" *with*

SHIRLEY ROSS • DENNIS O'KEEFE • MISCHA AUER

JOY HODGES · DONALD BRIGGS · ANNE NAGEL · DOROTHY ARNOLD

Screenplay by CHARLES GRAYSON & LEONARD SPIGELGASS ◆ Original story by Leonard Spigelgass

Directed by CHARLES LAMONT ◆ Associate Producer: KEN GOLDSMITH

released now!

UNIVERSAL PICTURES

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 4 NEW YORK, FRIDAY, JULY 7, 1939 TEN CENTS

Delay Facing New Changes On Copyrights

Action by Next Congress Called Probable

Congressional action on the proposed new copyright law which has been in preparation by counsel for interested industries for the past year is expected to be deferred until the next session of Congress. Current session is scheduled to adjourn Aug. 1 and no action on the proposals can be taken by that date.

The attorneys' recommendations, which were presented through the Shotwell committee, representing a subcommittee of the League of Nations, will be sponsored in Congress by either the State Department or Senator Bone of Washington, or by both. Proposals are already in their hands.

Agree On All Big Points

Various persons interested in copyright, including film men, authors, dramatists, publishers, song writers and song publishers and radio broadcasters, are in agreement on virtually all major phases of the recommendations with the exception of the participation of the United States in the Berne Convention on International

(*Continued on page 2*)

IATSE in Two New Jurisdiction Fights

HOLLYWOOD, July 6.—I. A. T. S. E. became involved in two more jurisdictional disputes today when it demanded return of control over cinematographers on major lots and became the object of attack before the N. L. R. B. by the United Studio Technicians Guild of North America, which claimed the support of the majority of the 12,000 members now in I. A. ranks here.

Demand by Photographers Union, Local 659, I. A. T. S. E., for return of jurisdiction over cinematographers, or first cameramen, reopened an old quarrel with the American Society of Cinematographers. The A. S. C. recently obtained a five-year renewal of its contract which was first obtained in 1934. Local 659 included this demand in a formal petition to Pat Casey, producers' labor representative, and also asked for new wage scales and working conditions.

The Guild, whose membership and officers are being kept secret, in its N. L. R. B. petition requested desig-

(*Continued on page 6*)

Studios in Non-Profit Deal To Let Schools Use Films, Will Hays Tells Educators

SAN FRANCISCO, July 6.—Distribution of school films selected from the vaults of member companies of M.P.P.D.A. will be supervised by a newly-incorporated organization known as Teaching Film Custodians, the National Education Association, in convention here, was told tonight by Will H. Hays, M.P.P.D.A president.



Will H. Hays

Incorporation of the new company signalizes the abandonment of plans for a national system of exchanges operated jointly by participating companies for distribution of the school films.

Teaching Film Custodians will have headquarters in the same building in New York which houses the Hays offices and it will issue the licensing agreements to schools, conduct promotional and sales activities, handle the bookkeeping and collections and pay the distributor as it is billed by the company.

Physical distribution of the films will be by individual companies which will ship their films on order direct from their own laboratories. All rentals will be for spot cash. However, it is stated that during an initial three-year experimental period no profits will be realized by the distributing companies. The project will begin as a non-profit activity conducted by educators.

Trustees of Teaching Film Custodians are Willard E. Givens, executive secretary of N.E.A.; Dr. James R. Angell, president emeritus of Yale, and Carl E. Milliken, M.P.P.D.A. secretary.

The initial school film library, probably the largest ever to be turned over to schools at one time, consists of 590 non-current theatrical short subjects, the original production cost of which was $10,000,000, Hays said.

Selections were made from the 15,000 non-current subjects in the vaults of member companies of the M.P.P.D.A. which have been made available to the educators' advisory

(*Continued on page 6*)

Hays Will Address Broadcasters July 12

An address by Will Hays to the convention of the National Association of Broadcasters will be broadcast by CBS and NBC July 12. Hays will speak from his office in Hollywood and the address will be piped to convention headquarters in the Hotel Ambassador, Atlantic City. Hays' subject will be "The Three Mirrors of America" (motion pictures, press and radio). Hays will speak at 11:45 P.M.

Networks Gross $68,123,525

WASHINGTON, July 6.—Time sales of NBC, Columbia and Mutual broadcasting networks last year amounted, after trade discounts, to $54,938,879, which was increased to $68,123,525 by sales of $13,184,646 of the 23 stations operated by NBC and Columbia, it was reported today by the Federal Communications Commission.

Against this the nets made payments to others for broadcast service of $19,483,369, and paid commissions of $9,268,228, leaving a net revenue of $44,862,567 of which $32,229,618 was assigned to the networks and $12,632,949 to the 23 stations.

Total broadcast expenses were $24,006,235 for the networks and $6,568,221 for the stations, a total of $30,574,456, and indirect expenses brought the aggregate to $35,554,832, leaving a net revenue from broadcast services of $9,307,735.

With other income of $174,751, the group had a gross income of $9,482,486 against which deductions of $985,090 and income taxes of $1,473,796 to the federal government and $19,900 to the states were charged, leaving a net income for 1938 of $7,003,700.

Senate Vote On Neely Bill Is Due Today

Measure Up After Many Washington Delays

WASHINGTON, July 6.—Senator Neely of West Virginia today was finally successful, after several efforts, in having his film measure made the unfinished business of the Senate, with the understanding that it will be debated and brought to a vote tomorrow.

Neely was prepared to call the measure up when the Senate convened at noon today. His desk was covered with papers on which he planned to base a lengthy defense of the measure. However, he was not recognized for the purpose of calling up his measure until four o'clock. On a voice vote on making his legislation the unfinished business of the Senate, not a single objection was raised.

Present in the gallery when the bill was brought up were Henry A. Atkinson of Boston and other supporters of the Neely bill, while across the chamber was Bert New, Washington representative of the Hays Office.

The measure, which would prohibit block booking and blind selling of films, among other things, was passed by the Senate shortly prior to adjournment last year. That was the first time such a measure, which, in one form or another, has been before the upper house for several years, was passed by the Senate.

Quebec's Closed Houses to Reopen

QUEBEC, July 6.—Early reopening of Quebec's picture houses seemed assured tonight as Premier Maurice Duplessis announced that the "government is ready to take necessary steps to reopen the theatres."

Quebec's cinemas have been closed since June 2 when city authorities refused to abolish a new tax increase of 10 per cent on amusements, raising the total taxation on theatres to almost 40 per cent of the gross income.

Reports indicate that the houses may reopen next Monday, but President T. E. Bragg, Toronto, of Auditorium Ltd., said that no definite statement could be made by theatre owners until Mayor Borne had been contacted.

Premier Duplessis said he had asked Mayor Borne to recognize the government's intention to intervene in the situation.

Senate Acts Upon Patent Law Abuses

WASHINGTON, July 6.—Legislation limiting the period within which a patent must be run through the patent office and providing for a single Circuit Court of Appeals to handle infringement cases was ordered favorably reported to the Senate today by the Senate Patents Committee.

A bill introduced by Senator Bone of Washington at the request of the patent office limits the life of patents to seventeen years and the overall protection afforded by the filing of a patent application to 20 years, as a means of preventing patentees from postponing the effective date of a patent by filing innumerable amendments to string out patent proceedings.

Another bill provides that infringement issues may be tried in the proposed special court, from which appeal could be taken direct to the Supreme Court, thus preventing the bringing of cases in several jurisdictions where conflicting decisions might be secured.

The measures are the outgrowth of the patent investigations of the Temporary National Economic Committee, which found that one patentee had kept a patent alive 44 years and had harassed rivals by bringing numerous suits based on the same issues.

Executives Attend 'Movies March On'

In conjunction with the latest issue of March of Time, "Movies March On," a special screening of the film and a cocktail party were held at the Museum of Modern Art yesterday. "Movies March On" opened at the Music Hall yesterday.

In addition to press representatives those present included S. Barret McCormick, RKO advertising manager; Ned Depinet, vice-president of RKO; Cresson E. Smith, Western and Southern division sales head for RKO; Gus Eyssell, secretary and assistant director of the Music Hall; Jules Levy, RKO general sales manager, and Arthur Mayer, operator of the Rialto.

Also Nelson Rockefeller, Roy Larsen, Bernard and Harry Brandt, Mr. and Mrs. Jimmy Ellison, Lillian Gish, May Robson, Raymond Massey, and Mrs. Lela Rogers, mother of Ginger Rogers.

Frohman Rites Today

Funeral services are to be held today for Mrs. Marie Hubert Frohman, stage actress and widow of Gustave Frohman, theatrical producer, at the Christ Church, Bronxville. Mrs. Frohman died Tuesday. Following her retirement from the stage, Mrs. Frohman wrote plays and motion picture scenarios under the pen name of Louis de Couci.

Kershaw Wins Promotion

TORONTO, July 6.—Frank Kershaw, district manager at Winnipeg for Famous Players Canadian Corp., has been promoted to vice-president and general manager of Western Theatres, Ltd., a subsidiary circuit of 23 theatres in the Canadian midwest. His headquarters will be at Winnipeg.

Purely Personal

HERMAN WOBBER, 20th Century-Fox general sales manager, arrived in New York from the coast yesterday by plane.

•

JOSEPH MOSKOWITZ, JULES LEVY, JAMES MULVEY, J. J. MILSTEIN, ROBERT SAVANI, JACK TROP, JOE PINCUS, SAM CITRON, HARRY GOLD among those lunching at BOB GOLDSTEIN'S Tavern yesterday. Also CHARLES STERN, PAUL LAZARUS, JR., JACK GOETZ, JOE MALCOLM, MORT SPRING and MARTIN STARR.

•

BERNARD R. GOODMAN, sales manager of Warner Bros. advertising accessories sales department, is the father of a baby girl born to MRS. GOODMAN yesterday at the Jewish Hospital. The child weighed seven and a quarter pounds.

•

MOE and SOL SIEGEL, Republic production executives, arrive in New York from the coast tomorrow. MORRIS GOODMAN, Republic foreign sales manager, returned yesterday from a South and Central American trip.

•

MICHAEL BURN, English actor, who is also the seventh Earl of Warwick, arrived in Quebec from England on the *Empress of Britain* yesterday for a vacation. He will start an American lecture tour in the Fall.

•

HAL B. WALLIS and MRS. WALLIS (LOUISE FAZENDA) arrive in New York Monday on the *Normandie* from a European vacation and a visit at the company's British studio at Teddington.

•

CHARLIE COHEN, of the M-G-M publicity department, is back at his desk after a short vacation. SIDNEY KAUFMAN, of the same office, left Wednesday for a six-week trip.

•

PEDRO SAENZ, president of Cia. Cubana de Peliculas, S. A., has left for his Havana headquarters after attending the RKO sales convention here.

•

HARRY NACE, Paramount theatre associate, is in New York for home office conferences and new product deals.

•

LILLIAN GERSHEN, secretary to WILLIAM BRANDT, returns Monday from a two-week vacation at Schroon Lake.

•

CLIFF LEWIS, Paramount studio advertising manager, leaves for the coast today after a brief visit at the home office.

•

BASIL RATHBONE has been signed to a chief supporting role in RKO's "The Hunchback of Notre Dame."

•

ARTHUR KRIM, of Phillips & Nizer, left early this week for a trip through England and France.

•

WILLIAM E. RAYNOR is now managing the Drive-In Movies, Valley Stream, L. I.

•

ANNE SHIRLEY and LUCILLE BALL have had their options taken up by RKO.

•

S. A. LYNCH is visiting in New York for a few days.

SPYROS SKOURAS, EARL CARROLL, DAVE WEINBERG, BASIL RUYSDALE, DAVID WEINSTOCK at Nick's Hunting Room in the Astor for lunch yesterday.

•

SAM HACKER, former assistant to MORRIS GOODMAN, vice-president in charge of Republic foreign sales, before that in charge of the contract department at Republic and Columbia, has joined the firm of Henry H. Ackerman & Co., public accountants, and will specialize in film accounts.

•

ROBERT and DONALD, twin sons of STANLEY C. JACQUES, RKO Cincinnati branch manager, are studying motion picture technique at the University of Southern California.

•

MAX MARGOLIES, Cincinnati branch manager for Republic, who has been suffering from arthritis, has gone to Johns Hopkins Hospital, Baltimore, for observation.

•

NAT LIEBESKIND, RKO supervisor for South America and manager for Argentina, is resting comfortably at the Croydon following an operation at the Fifth Avenue Hospital.

•

CONSTANCE BENNETT is in town at the Waldorf-Astoria from the coast, prior to sailing for Europe on the *Normandie* next Wednesday.

Studio Staff Slashed By Grand National

HOLLYWOOD, July 6.—Pending settlement of financial matters all except a skeleton staff of employes was removed from the payroll at Grand National today.

The maintenance crew and rental office personnel are the only ones retained as studio officials here awaited word on the new financing deal being negotiated in New York.

Included in those affected by the layoff are Phil Leonard, story department head, and Ted Richmond, publicity and advertising director.

Chicago Realty Men Talk at B. & K. Trial

CHICAGO, July 6.—The government will finish its side of the case tomorrow in its suit against Balaban and Katz and the majors. R. O. Farrell and Harold Costello, real estate agents, were on the witness stand today, explaining the rental of the Oriental theatre. Jack Rose and John Jones also testified briefly. The government wound up today's session by having additional documents identified. The trial will be postponed until Sept. 5 following a short session tomorrow morning.

Hold Seattle Tourney

SEATTLE, July 6.—One hundred and thirty-five golfers participated in the Northwest Film Club's fourth annual golf tournament at Glendale Golf Club, and more than 160 guests attended the dinner dance and floor show that followed. Bill Shartin, Jack Rosenberg, Roy Peacock, Ed Lamb and Morrie Segel were the committee in charge.

Delay Facing New Changes On Copyrights

(*Continued from page* 1)

Copyright. Not all of the industries concerned, however, are opposed to our entry into the Berne Convention.

The State Department is championing the Berne phase of the proposals. In its present form this provision would become effective one year after enactment by Congress, thus providing ample time for revising the domestic copyright laws to conform with the international laws.

Among the principal proposals on which most of the industries concerned are in agreement are the minimum damage, divisibility and copyright on creation provisions.

Minimum damages for copyright violation would be reduced from $250 to $150, and the liability of radio networks for violations would be limited to $2,500. At present a network of 100 stations might be liable for $250,000 for a single violation, for example.

The divisibility provisions recognize a separate right for each of the various commercial uses to which an author's creation may be put, such as the screen right, the dramatic right, television, book, magazine and, in the case of music, performing, recording and other rights.

The right to each may be sold separately and actions may be brought on behalf of any one of the rights without joining possessors of any of the other rights.

The provision for copyright on creation recognizes an author's or composer's work as personal property for which copyright protection is automatic. It requires no registration nor filing of two copies of a work, as is now the case. This provision is a requisite of the Berne Convention.

The new provisions would extend the life of a copyright from the present 28-year period to one which would include the lifetime of the author and for 50 years after his death.

Cincinnati Golf Set

CINCINNATI, July 6.—Variety Club's annual golf tournament is tentatively set for Aug. 15. Joe Goetz, assistant division manager of RKO Midwest, is general chairman.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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"CHIPS"!

Those who are about to play M-G-M's "**Goodbye Mr. Chips**" will be interested in the early extended run record of this superb picture and will wish to adjust their booking schedules to allow for additional time. Extended engagements thus far:

New York	8th week	Indianapolis	2 weeks
Los Angeles	7th week	New Orleans	2 weeks
Cleveland	4 weeks	Chicago	Indefinite run
Dayton	2 weeks	San Francisco	Indefinite run
Cincinnati	2 weeks	Seattle	Indefinite run
Columbus	2 weeks	Worcester	2 weeks
Pittsburgh	2 weeks	Boston	4 weeks
Toledo	2 weeks	*(Playing day-and-date at State & Orpheum; held over 2nd week in both spots)*	

THE FRIENDLY COMPANY

UP TO THE $100,000-A-W
MUSIC HALL'S SIZZLIN

Read the Raves!

"ONE OF THE SEASON'S GAYEST SHOWS."
—*N. Y. TIMES*

"VASTLY SATISFYING ENTERTAINMENT . . . GINGER AN UTTER DELIGHT."
—*N. Y. HERALD-TRIBUNE*

"GAY COMEDY . . . GINGER AT HER BEST."
—*N. Y. DAILY NEWS*

"ONE OF THE HIGH SPOTS OF THE SUMMER SEASON."
—*N. Y. JOURNAL & AMERICAN*

"ONE OF THE MOST AMUSING SCREEN FROLICS OF THE YEAR."
—*N. Y. WORLD-TELEGRAM*

"TEN TO ONE . . . THE BEST SCREEN COMEDY OF 1939."
—*N. Y. POST*

"WILL KEEP YOU MIGHTY AMUSED."
—*N. Y. SUN*

"A DELIGHTFUL FARCE ...SUITABLE FOR FAMILY AND SMART SET."
—*N. Y. DAILY MIRROR*

EEK CLASS SHOOTS THE SUMMER SENSATION! . .

RECORD BUSINESS IN JULY! . . during the year's longest and biggest OUT-DOOR holiday, with the season's finest OUTDOOR weather . . . and with the World's Fair only ten cents and ten minutes away! . . . NATURALLY, HELD OVER! . . . IT'S A WORLD-BEATER!

GINGER ROGERS
DAVID NIVEN

"Bachelor Mother"

WITH
CHARLES COBURN · FRANK ALBERTSON
E. E. CLIVE · DIRECTED BY GARSON KANIN · PRODUCED BY B. G. DeSYLVA
PANDRO S. BERMAN
IN CHARGE OF PRODUCTION

SCREEN PLAY BY NORMAN KRASNA
STORY BY FELIX JACKSON

RKO RADIO PICTURES

RKO to Speed Plans Despite Fresh Appeal

Proponents of the RKO reorganization plan will proceed with its consummation despite any appeal to the U. S. Supreme Court which might be taken following a U. S. Circuit Court of Appeals decision upholding the order confirming the plan, Hamilton C. Rickaby of Atlas Corp. counsel said yesterday.

Question as to whether or not further appeals by RKO creditors would result in a delay in consummation of the plan was raised in a MOTION PICTURE DAILY story yesterday which reported current efforts being made to hasten the end of the reorganization.

Rickaby added, however, that an appeal to the Supreme Court might delay submission of the $1,500,000 underwriting agreement, which is now in preparation, to the Federal court for its approval. This would have the effect of delaying the company's final discharge from court supervision despite consummation of the reorganization plan.

Hearing on the reorganization scheduled for yesterday before Federal Judge William Bondy was postponed to July 20 to await the Circuit Court decisions on the pending appeals of creditors.

IATSE in Two New Jurisdiction Fights

(*Continued from page* 1)

nation as exclusive bargaining agency for the 12,000 craft workers now in the I. A. and sought an election to determine which group has a majority. The Guild is not divided into craft locals and seeks to present a vertical union front here.

Demands were also sent to Casey by Sound Technicians Union, Local 695, and Laboratory Technicians Union, Local 683, and by officers of the five new locals created from the former Studio Technicians Union, Local 37. Action on the latter five may be deferred until after disposition of the Guild petition.

I. A. officials asserted that the Guild represents only a small group while the Guild claimed a majority of prop makers, electricians, technicians, lamp operators, cameramen, sound men, laboratory workers and grips. The Guild is represented by Charles J. Katz.

Broadway Reports Upturn in Gross

Aided by the excellent holiday weekend business, Broadway grosses showed a considerable upturn for the week. "Second Fiddle" grossed an estimated $47,000 in its first week at the Roxy. "Bachelor Born," at the Music Hall took an estimated $98,000 and is also held.

In its second week at the Strand, "Daughters Courageous" attracted an estimated $35,000 and continues for a third week. "Stronger Than Desire" drew an estimated $9,500 at the Capitol. "Mickey, the Kid" opens at the Criterion Wednesday.

Insider's Outlook

By SAM SHAIN

FRED STORM, United Press correspondent, in Washington, is joining the Samuel Goldwyn company (United Artists). According to Hollywood advices, James Roosevelt, vice-president of the Goldwyn company, will announce it next week in New York. It is believed Storm will be named head of the advertising and publicity end on the Coast. Jock Lawrence, it is understood, thus will become more fully available for executive production work.

Ben Washer is eastern advertising and publicity production head.

THERE are distributors and advertising men in the trade who are still grappling with the problem of co-operative advertising. From where the distributors sit, the angle which worries them most is that the greater part of such participating money which is spent goes to first-run key spots and subsequent runs are asking for similar cooperation.

Now there is some apprehension that the participating advertising done by the companies may become a matter of inquiry to Government anti-trust investigators.

THE top executive of a film company who decided that $27.50 was too much to pay for a prize fight seat, dropped into Dinty Moore's with a friend for dinner the night of the Galento-Louis fight. At an adjoining table was the sales manager of a rival company and several friends who invited them to have dinner with them, and then asked them to go along to the fight.

They accepted the invitation, and when the dinner check came, the executive who was invited insisted on paying on the ground that if the sales manager furnished $27.50 tickets, he ought to buy the corned beef and cabbage.

"But," explained the sales manager, "these tickets were sent to me by your Theatre Department."

FROM Abram Myers in Washington comes the following in reply to our inquiry on the recent William Rodgers code statement:

"Think there has been too much controversy, and for the time being will stand on the record, including careful notes made during the negotiations, report of Allied's negotiating committee and wax records of the proceedings at Minneapolis.

"If Allied directors think Rodgers statement should be answered, it will be, but in better temper and better taste than has been displayed by Rodgers."

ELY OBERSTEIN of the U. S. Record Corp. informs us that there must be room for his firm in the record business and gives us the following figures, which are very interesting: In 1919, 22 manufacturers sold 107,000,000 records. That year was tops. In 1939, three manufacturers, he estimates, will sell over 50,000,000 records.

LOCAL studios in Mexico are idle owing to difficulties in obtaining adequate financing. It appears that Mexico may fall far short in production this year. Technicians and other studio people are considering leaving the country. Venezuela appears anxious to employ many of these people.

BECAUSE of a date elsewhere for luncheon we were unable to attend that party given at the Luncheon Club, in Radio City by Lynn Farnol for William Hebert and Murphy McHenry. Hebert is advertising and publicity director for Selznick-International, and McHenry occupies a similar post with the Edward Small organization. The boys are here from the Coast on business.

Among Farnol's guests at the luncheon were Monroe Greenthal, E. J. Churchill (Donahue & Co), Virginia Morris, Dee Lowrance, Red Kann, Albert Margolies, Abel Green and Terry Ramsaye.

RAY LEWIS will open her new theatre, the Pylon, on College Avenue, in Toronto, on Oct. 1, the date of her silver jubilee in the industry. The theatre will seat 750 and will be one of the first to have staggered seating, giving each seat clear vision to the screen.

Contract Talk Today

Studio Mechanics Union, Local 52, will meet with eastern producers' representatives today for final discussions of a new contract. If an agreement is reached, terms will be submitted for ratification to a union membership meeting Tuesday.

Heads Quebec Censors

MONTREAL, July 6.—Premier Maurice Duplessis of Quebec has appointed Herve Roch, local attorney, as temporary head of the Province of Quebec film censor board, replacing Arthur Laramee, who was recently named a judge of Juvenile Court.

'Lincoln' Nets Denver Lead With $10,000

DENVER, July 6.—"Young Mr. Lincoln" turned in a strong week at the Denver, grossing $10,000. In spite of the long weekend holiday, most first runs were above average.

Estimated taking for the week ending July 6:

"East Side of Heaven" (Univ.)
ALADDIN—(1,400) (25c-40c) 7 days. 2nd week. Gross: $4,000. (Average, $3,500)
"Hotel Imperial" (Para.)
DENHAM — (1,750) (25c-35c-40c) 7 days. Gross: $4,000. (Average, $6,500)
"Young Mr. Lincoln" (20th-Fox)
DENVER — (2,525) (25c-35c-40c) 7 days. Gross: $10,000. (Average, $9,000)
"Maisie" (M-G-M)
"Stronger Than Desire" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $8,000. (Average, $8,500)
"Captain Fury" (U.A.)
"Zenobia" (U.A.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)
"Juarez" (W.B.)
"Sweepstakes Winner" (W.B.)
RIALTO—(878) (25c-40c) 7 days. "Juarez" 3rd week. Gross: $2,000. (Average, $1,750)

School Films Deal Revealed By Hays

(*Continued from page* 1)

committee, headed by Dr. Mark A. May of Yale.

That the initial list of subjects may be increased materially is apparent from the fact that only 1,254 films have been selected for review from the 15,000 thus far.

Rentals for the films will be based on periods ranging from one-half a school year to three entire school years. Prices are $10 per subject for a half-year, $15 for one year, $25 for two years and $30 for three years. All prints will be 16mm., with sound and some in color.

The films will be at least one year old and no features have been made available yet. Prints will go only to schools in the United States and shipping costs will be borne by the schools.

Seven Companies Participate

Participating companies are Columbia, Walt Disney, Educational, Loew's, RKO, 20th Century-Fox and Warners. Not participating are Paramount, United Artists, Universal, Monogram, Republic and Grand National.

The distributors reserve the right to withdraw any picture in school use "in protection of their contractual relationships," presumably referring to established exhibitors. Other safeguards of the exhibitors' business rights include assurances from the supervising educators that all films placed at their disposal will be used exclusively for bona fide classroom purposes during school hours and that no admission charge will be made.

A 320-page "Catalogue of Films for Classroom Use" is being mailed to school superintendents all over the country now by Teaching Film Custodians. There are an estimated 5,000 sound projectors in American schools.

UA Makes Changes

COLUMBUS, O., July 6. — James Hendle, United Artist salesman, has been transferred here from Toledo, O. He replaces George Jefferies, who has gone with Universal at Albany, N. Y.

Frisco Gives 'Chips' Good $8,500 Gross

SAN FRANCISCO, July 6.—Combination of "Big Town Czar" and Kay Kyser's orchestra at the Golden Gate brought a record of $36,000. "Goodbye Mr. Chips" drew a good $8,500 at the St. Francis, and "Maisie" paired with "You Can't Get Away with Murder" drew $13,500 at the Warfield.

Estimated takings for the week ending June 27-30:

"Big Town Czar" (Univ.)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Kay Kyser Band. Gross: $36,000. (Average, $15,000)
"Goodbye, Mr. Chips" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days. Gross: $8,500. (Average, $6,000)
"Tarzan Finds A Son" (M-G-M)
"Jones Family in Hollywood" (20th-Fox)
PARAMOUNT — (2,740) (15c-35c-40c-55c 75c) 7 days. Gross: $9,800. (Average, $11,500)
"Captain Fury" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 2nd week. Gross: $8,000. (Average, $8,600)
"Naughty But Nice" (W. B.)
"Undercover Doctor" (Para.)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $12,000. (Average, $16,000)
"Good Girls Go To Paris" (Col.)
"Outside These Walls" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-55c) 7 days. Gross: $8,200. (Average, $8,000)
"Maisie" (M-G-M)
"You Can't Get Away With Murder" (W.B)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $13,500. (Average, $12,000)
"Immortal Melodies" (Viennese Film Co.)
CLAY—(400) (15c-35c-40c) 7 days, 2nd week. Gross: $800. (Average, $1,000)
"The Puritan" (Lenaur-Int'l)
LARKIN—(390) (15c-35c-40c) 7 days, 3rd week. Gross: $900. (Average, $1,000)

'Angels' at $3,500 In Kansas City Lull

KANSAS CITY, July 6. — "Only Angels Have Wings," took $3,500 at the Esquire. "Tarzan Finds a Son" and "Missing Daughters" at the Midland were good for $10,000. The weather was warm.

Estimated takings for the week ending June 27-29:

"Only Angels Have Wings (Col.)
ESQUIRE—(800) (25c-40c) 7 days, 2nd week. Gross: $3,500. (Average, 3,000)
Tarzan Finds a Son (M-G-M)
Missing Daughters (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $10,000. (Average, $11,500)
"Invitation to Happiness" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days, 2nd week. Gross: $4,600. (Average, $7,000)
"Charlie Chan in Reno" (20th-Fox)
"Boy Friend" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 6 days. Gross: $1,800. (Average, 6 days, $3,000)

Dubinsky's Mother Dies

KANSAS CITY, July 6.—Mrs. Sarah Dubinsky, 63, mother of the Dubinsky brothers, who operate the Dubinsky circuit, died at Menorah hospital here. All four sons are associated with the circuit: Edward Dubinsky, Durwood, Kansas City; Barney Dubinsky and William Dubinsky, St. Joseph, Mo.; and Irving Dubinsky, Leavenworth, Kan. Mrs. Maurice Schweitzer, wife of the Paramount branch manager at St. Louis, is a daughter.

Indiana Outing Held

LAKE WAWASEE, Ind., July 6.—Associated Theatre Owners of Indiana are holding their annual summer outing here today and tomorrow, according to Don R. Rossiter, executive secretary.

Previews of Films

"They All Come Out"

(M-G-M)

HOLLYWOOD, July 6.—Chief point of interest in "They All Come Out" and its primary commercial exploitation value is that the picture proves the Department of Justice's contention that after sufficient education, training and humane discipline in various institutions, federal prisoners come out regenerated, reformed and useful members of the social order. If they remain incorrigible, they go to Alcatraz to yell their heads off while guards indulge in target practise with machine guns.

Made in cooperation with the Federal Bureau of Prisons, its purpose explained in a prologue conversation between ex-Attorney General Cummings and Prison Director James V. Bennett, the picture was produced by Jack Chertock, who with writer John V. Higgins, director Jacques Tourneur and cameraman Clyde De Vinna visited the various prisons shown.

As the corrective methods practised by the Government in several institutions are graphically pictured, youthful mobsters Rita Johnson and Tom Neal prove they have reformed, after release, by preventing a crime and reporting it to the police. Edward Gargan also reforms to rejoin his wife and family while mental defective John Gallaudet is cured. Unreformable Bernard Nedell, however, goes to Alcatraz.

Basically an illustrated lecture of how the Government tries to salvage hardened criminals and educate and train potential bad men, the picture nevertheless is legitimate melodramatic entertainment and one which should suggest the adaptation of fresh, new and interest-creating exploitation ideas.

Running time, 70 minutes. "G."*

G. McC.

"Second Bureau"

(Film Alliance of U. S.)

A spy drama, produced in England by John Stafford and distributed in this country by the recently formed Film Alliance of the United States, "Second Bureau" is mildly entertaining, without pretension of any sort.

The cast is unknown in this country, and therefore, the selling of the film will have to be confined to the melodramatic nature of the plot, however routine it is. The French spy who has succeeded in several brillant coups against the Germans is trailed by a beautiful German girl, a spy for the German war office.

She is not clever enough for him, he learns her identity, but falls in love with her despite himself. Their plan to resign from the service and marry is frustrated by a second German agent, who plans a trap which shall result in the death of the French captain. To save him, the girl gives the alarm, and in the climax capture of the German, she is killed.

W. Victor Hanbury directed from an original story by Charles Robert-Dumas and screenplay by Reginald Long. Marta Labarr plays the German spy, and Charles Oliver the French officer.

Running time, 60 minutes. "G."* CHARLES S. AARONSON

"Typhoon Treasure"

(Ace Pictures Corp.)

The surging, typhoon-ridden China Seas provide the background for "Typhoon Treasure," and exciting background it is. The tropics afford excellent scenic opportunities for the camera, and the men behind the crank have taken full advantage of what nature provides. It is with the actors, the dialogue writer, and the others of the technical staff that fault may be found. The film was produced by Commonwealth Productions in Australia.

Campbell Copelin, Gwen Munro and Joe Valli have the principal roles and their performances, individually and collectively, do not rate with Hollywood standards. Joe Valli, as "Scotty McCleod," gives a performance that stands out.

Story deals with a young pearler who has lost his ship in a typhoon, and a villainous crew conducting a trading post. The pearler is rescued by the men at the trading post. A pact is made for the salvaging of the lost pearls, but there is an attempted double cross. Jean Roberts, a nurse at the post and the niece of the trader, is suspected of being in league with them by the young pearler, but of course all comes out well in the end.

Running time, 68 minutes. "G."* JACK BANNER

*"G" denotes general classification.

'Good Girls' $16,300 in 2 L.A. Houses

LOS ANGELES, July 6.—"Good Girls Go to Paris" and "Trapped in the Sky" led here with $16,300 at two houses, $8,100 at the Hillstreet and $8,200 at the Pantages. The holiday exodus affected grosses adversely. "Goodbye, Mr. Chips" continued strong, with $6,500 in the seventh week at the 4 Star.

Estimated takings for the week ending July 5:

"Susannah of the Mounties" (20th-Fox)
"The Gorilla" (20th-Fox)
CHINESE—(2,500) (30c-$1.00) 7 days. Gross: $9,900. (Average, $12,500)
"Goodbye Mr. Chips" (M-G-M)
4 STAR—(900) (40c-50c) 7 days, 7th week. Gross: $6,500. (Average, $3,250)
"Good Girls Go To Paris" (Col.)
"Trapped in the Sky" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $8,100. (Average, $6,500)
"Susannah of the Mounties" (20th-Fox)
"The Gorilla" (20th-Fox)
LOEW'S STATE—(2,500) (30c-$1.00) 7 days. Gross: $11,500. (Average, $14,000)
"Good Girls Go To Paris" (Col.)
"Trapped in the Sky" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $8,200. (Average, $7,000)
"Undercover Doctor" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Don Rice. Gross: $9,500. (Average, $18,000)
"The Kid From Kokomo" (W. B.)
"Sons of Liberty" (W. B.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days. Gross: $12,100. (Average, $14,000)
"The Kid From Kokomo" (W. B.)
"Sons of Liberty" (W. B.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days. Gross: $12,500. (Average, $12,000)

'Sun' Garners Fair $7,000, Washington

WASHINGTON, July 6.—"The Sun Never Sets" grossed $7,000 at RKO Keith's. "Rose of Washington Square," in a return engagement at Loew's Columbia, took a good $4,900.

Estimated takings for the week ending June 29:

"Susannah of the Mounties" (20th-Fox)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days. Stage: Amateur Revue. Gross: $14,500. (Average, $16,500)
"Rose of Washington Square" (20th-Fox)
LOEW'S COLUMBIA—(1,243) (25c-40c) 2nd run, 7 days. Gross: $4,900. (Average, $4,500)
"Invitation to Happiness" (Para.)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $12,000. (Average, $12,000)
"The Sun Never Sets" (Univ.)
RKO-KEITH'S—(1,836) (25c-55c) 7 days. Gross: $7,000. (Average, $6,000)
"Naughty But Nice" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Owen McGivney. Gross: $14,800. (Average, $16,000)
"Blind Alley" (Col.)
WARNERS' METROPOLITAN — (1,591) (25c-40c) 7 days. Gross: $4,150. (Average, $4,000)

Big Increase Made By Mutual Billings

Mutual network billings for June amounted to $228,186, an increase of 12.7 per cent over the billing total for last June, which was $202,412.

The June, 1939, billings are the highest for the month in the history of the network. They mark also the 14th consecutive month that Mutual billings have shown an increase over the corresponding month of the year before.

The cumulative total for the year amounts to $1,624,235, up 21 per cent. The billings for the corresponding six months in 1938 amounted to $1.342.179.

WE TOLD YOU SO!



Paramount's
"MAN ABOUT TOWN"
first week records:

New York	150%
Memphis	147%
Omaha	141%
Detroit	136%
Buffalo	136%
Rochester	130%
Salt Lake City	129%
Springfield	129%
Wilkes Barre	125%

IT'S PERCENTAGE THAT COUNTS!

Paramount's
"MAN ABOUT TOWN"

SAN FRANCISCO beats record-making "Union Pacific"!

OAKLAND beats "Union Pacific"!

SEATTLE way out in front of "Sing You Sinners" and "If I Were King"!

PORTLAND, Oregon beats "Union Pacific" record!

SAN DIEGO ahead of "Union Pacific" record!

INDIANAPOLIS ahead of "If I Were King"!

LOUISVILLE ahead of "Union Pacific"!

TULSA ahead of "Union Pacific"!

MIAMI smashing way out ahead of "Union Pacific"!

LITTLE ROCK better business than "Union Pacific"!

"MAN ABOUT TOWN" record openings in Kansas City, Charlotte, New Haven, Hartford, Phoenix

(Watch your trade papers for first week percentages)

AND

"The Magnificent Fraud" "Our Leading Citizen", "The Star Maker" are on the way

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	MONOGRAM
June 2	Lost Horizon (reissue) Trapped in the Sky		Gracie Allen Murder Case *Allen Warren William*	S.O.S. Tidal Wave *Ralph Byrd Kay Sutton George Barbier*	The Girl From Mexico *Lupe Velez Donald Woods* (G) (C)	The Jones Family in Hollywood		Inside Information *June Lang Dick Foran Harry Carey*	The Man Who Dared *Grapewin Jane Bryan*	Across the Plains *Jack Randall* (June 2)
June 9		6000 Enemies *Walter Pidgeon Rita Johnson* (G) (D)	Undercover Doctor *Lloyd Nolan J. Carroll Naish Janice Logan*	Mountain Rhythm (O) *Gene Autry*	Saint in London *George Sanders Sally Gray* (G) (D)	Young Mr. Lincoln *Fonda Alice Brady* (G) (D)		The Sun Never Sets *Rathbone Fairbanks, Jr.* (G) (D)	Juarez *Bette Davis Paul Muni Brian Aherne* (G) (D)	Should a Girl Marry? *Anne Nagel Warren Hull* (June 9)
June 16	Awful Truth (reissue) Western Caravans (O)	Tarzan Finds a Son *Weissmuller O'Sullivan*	Invitation to Happiness *Dunne MacMurray* (G) (D)		The Girl and the Gambler *Steffi Duna Carrillo*	Charlie Chan in Reno *Sidney Toler Ricardo Cortez Phyllis Brooks*			Nancy Drew Trouble Shooter *Bonita Granville Frank Thomas, Jr.* (G) (D)	Stunt Pilot *John Trent* Roll, Wagon, Roll (O) (June 30)
June 23	Clouds Over Europe *Olivier Valerie Hobson* (G) (D)	Maisie *Ann Sothern Robert Young*	Grand Jury Secrets Heritage of the Desert (O)	In Old Caliente *Roy Rogers Mary Hart*	Five Came Back *Chester Morris Lucille Ball* (G) (D)	Susannah of the Mounties *Shirley Temple Scott*			The Kid from Kokomo *O'Brien Wayne Morris* (G) (C)	The Man from Texas (O) *Tex Ritter* (July 21)
June 30	Parents on Trial Good Girls Go to Paris	Stronger than Desire *Virginia Bruce Walter Pidgeon* (A) (D)	Bulldog Drummond's Bride *John Howard Heather Angel*	Wyoming Outlaw (O) *John Wayne*	Timber Stampede *Geo. O'Brien*	It Could Happen to You *Gloria Stuart Stuart Erwin* (G) (D)		House of Fear *Wm. Gargan Irene Hervey*		
July 7		On Borrowed Time *Lionel Barrymore Hardwicke*	Man About Town *Jack Benny Dorothy Lamour* (G) (C)	Mickey, the Kid *Bruce Cabot*	Career *Anne Shirley Edward Ellis*	Mr. Moto Takes a Vacation *Peter Lorre Schildkraut*		Forgotten Woman *Sigrid Gurie*	Naughty But Nice *Dick Powell*	
July 14	A Woman Is the Judge *Rochelle Hudson*	They All Come Out *Rita Johnson*	Million Dollar Legs *Betty Grable Jackie Coogan*	She Married a Cop *Phil Regan Jean Parker*	Of Human Bondage The Lost Squadron (reissues)	Second Fiddle *Henie Power Vallee*		Unexpected Father *Baby Sandy Mischa Auer*	Waterfront *Gloria Dickson* Hell's Kitchen	G. N.
July 21	Blondie Takes a Vacation *Penny Singleton* The Man from Sundown	Andy Hardy Gets Spring Fever *Rooney Lewis Stone*	Magnificent Fraud *Akim Tamiroff Lloyd Nolan*		Way Down South *Bobby Breen Alan Mowbray*	News Is Made at Night *Preston Foster* Ware Case *Clive Brook*	They Shall Have Music *Jascha Heifetz Andrea Leeds*	I Stole a Million *George Raft Claire Trevor*	Daughters Courageous *John Garfield Priscilla Lane* (G) (D)	Exile Express *Anna Sten Alan Marshal* (May 26)
July 28	Escape from Alcatraz *Brian Donlevy Jacqueline Wells*	Goodbye, Mr. Chips *Robert Donat* Miracles for Sale *Robert Young*	Island of Lost Men *Anna May Wong Truex Blore*	Colorado Sunset (O) *Gene Autry Smiley Burnette*	The Spellbinder *Lee Tracy Barbara Read*	Frontier Marshal *Randolph Scott Binnie Barnes*	Winter Carnival *Ann Sheridan Richard Carlson*		Cowboy Quarterback *Bert Wheeler Marie Wilson Gloria Dickson*	Singing Cowgirl (O) *Dorothy Page* (June 2)
Aug. 4	Hidden Power *Jack Holt Gertrude Michael*	Lady of the Tropics *Hedy Lamarr Robt. Taylor*			Bachelor Mother *Ginger Rogers David Niven* (A) (C)	Elsa Maxwell's Hotel for Women *Ann Sothern*	Four Feathers *Ralph Richardson Aubrey Smith*			

PRICELESS QUALITIES

NEW film emulsions are indispensable to motion picture progress, but only proved reliability and uniformity make them practicable. Eastman *Plus-X*, *Super-XX*, and *Background-X* have those priceless qualities—hence the everyday use they are enjoying throughout the industry. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN

PLUS-X
for general studio use

SUPER-XX
for all difficult shots

BACKGROUND-X
for backgrounds and general exterior work

Newsreel Parade

French fleet in war maneuvers, President Roosevelt, fire in London and an array of sports events constitute the greater portion of the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 86—U. S. fleet off west coast. French fleet in war maneuvers. Franco visits birthplace. Dixie Clipper lands in France. Chamberlain speaks at open meeting. Fashions at French racetrack. Yacht race. A. A. U. meet. Baseball players honor Gehrig.

NEWS OF THE DAY, No. 284—French navy in preparation drill. Chamberlain speaks in Wales. England calls men to colors. Roosevelt holds press conference. New Fall hats. Horse racing in Paris. National A. A. U. meet. Gehrig honored.

PARAMOUNT NEWS, No. 97—Track meet. Stock cars in 200-mile race. Yacht race. L. S. U. head under arrest. French fleet in war games. Refugee controversy. Celebrate religious holiday in Moravia. Needy children on hospital ship. Baseball pays tribute to Gehrig.

RKO PATHE NEWS, No. 101—Fans pay homage to Gehrig. Roosevelt demands peace policy. Navy Week ceremony in France. James Smith faces embezzlement charges. Trotting season opens. Trans-Pacific yacht race. All-American stock car race. Eight buildings burn in London.

UNIVERSAL NEWSREEL, No. 786—Dedicate mountain statue. Fire in London. French fleet in maneuvers. Roosevelt confers on neutrality. L. S. U. head held. Religious rites in Lyons. Children ride on hospital ship. Girls don wooden swim suits. Gehrig Day in baseball. Trotting at Goshen. N. Y. Chinese girls bowl. Stars and Stripes handicap.

Spain Makes First Reform Upon Films

BARCELONA, July 6.—The Spanish Film Board, an association of distributors, has been converted into an official syndicated service including all motion picture activities. This is the first step in the reorganization of the film industry under the Franco regime in Spain.

The group will be directly responsible to the chief of the syndical services, with a controller and officers appointed by him. The syndical services are labor organizations.

National president is Ufa's Vallescar. Regional chairman and national vice-president is Enrique Aguilar, managing director of Hispano-American Films, Universal's Spanish subsidiary. Vidal Batet of Paramount also has been named as an official of the new film organization.

Blumenstock Goes West for 3 Weeks

Mort Blumenstock, in charge of advertising and publicity in the East for Warner Bros., leaves for the coast today for conferences with Charles Einfeld, director of advertising and publicity, on merchandising plans for forthcoming productions. Blumenstock will be away about three weeks.

Standard Offices Here

Standard Pictures Distributing Co., a subsidiary of Standard Pictures Productions, Inc., Hollywood, has opened New York sales offices in the RKO Building. George Laganas, president, has appointed George Trainer as general manager and secretary. The company plans to resume production in the Fall, with "20,000,000 Witnesses."

Theatre, Personnel Notes

Closings in K. C. Area

KANSAS CITY, July 6.—J. E. Huston has closed his house at Glasco, Kan. W. A. Anderson has closed the Fox at Barnes, Kan. Fox Midwest Theatres, Inc., has closed the Princess, Kirksville, Mo., for the summer.

Warner Transfers

NEW HAVEN, July 6.—Warner Theatres here transferred Howard Pettingill, former manager of the Warner, Worcester, to manage the Warner, Bridgeport, while Edward Lynch of the Bridgeport house takes over the Worcester post. Samuel Cooperstein, of the contact department in the New Haven zone office, will be assistant to Lynch at the Warner, Worcester.

Shift Toronto Managers

TORONTO, July 6.—Several changes have been made among Toronto managers of the Famous Players' circuit. Robert Eves, manager of the Eglinton, has been transferred to the Oakwood, replacing A. Easson, who goes to the Village. The manager of the latter, J. Purves, has been appointed to manage the Eglinton. J. Bolinsky of the Brant, Brantford, and W. J. Burke of the Imperial, Sarnia, have exchanged places.

Plan Cumberland, Pa., House

HARRISBURG, Pa., July 6.—Plans for the erection of a new theatre, to cost $53,000, in New Cumberland, Harrisburg, suburb, were disclosed by Frank Firestock, owner of the present Cumberland in the same borough.

Frisco Price Scales Cut

SAN FRANCISCO, July 6.—Summer prices, representing a reduction of more than 25 per cent, have gone into effect at the Fox, Warfield, Paramount and St. Francis, four downtown first runs operated by Fox West Coast. Similar price cuts have been announced by Golden State Theatre Circuit, San Francisco Theatres, Inc., Nasser Brothers' Circuit, Baron & Nathon Theatres, the Lyceum and other neighborhood houses.

Takes Colorado House

EATON, Col., July 6.—J. R. Wills, who has been operating the Eaton here for some time, has turned the house over to Harry Lauch.

Double Bills Dropped

OKLAHOMA CITY, July 6.—Mayflower, subsequent run on Oklahoma City's northside, has returned to a single feature policy after showing doubles for the past year.

Remodel 2 in Wyoming

DENVER, July 6.—Fox is remodeling two Wyoming theatres, one at Laramie and the other at Cheyenne. According to Ray Davis, district manager, $50,000 will be put into the Empress at Laramie.

Edison Closes Doors

The Edison (Sam Silver), Broadway and 101st St., Manhattan, has been closed.

New Ohio House Opens

CRESTLINE, O., July 6.—The new Crest, built by R. T. Kemper Theatres, Inc., at cost of $30,000, has been opened, with R. T. Crest in charge. Scale is 15 cents for matinee, 25 cents, evenings with three changes a week.

Atlas Manager Shifted

DENVER, July 6.—Alvin Quint is now managing the Gem, Golden, Col., for Atlas Theatre Co., succeeding Ralph Hamilton, who has been moved to Denver to manage the Santa Fe.

Moore in Barrett Post

MADILL, Okla., July 6.—Levin Moore has succeeded Earl Barrett, Jr., who died June 14, as manager of the Ritz here, operated and owned by Mrs. Bertha Barrett.

Close Oklahoma Theatre

GAGE, Okla., July 6.—The Gage, operated here by Richards Summers, has been closed and all equipment dismantled and removed.

Williams Opens House

OKLAHOMA CITY, July 6.—K. Lee Williams Theatres, Inc., has opened a new house in Nashville, Ark., the Howard, known as the Gem before remodeling. Louis Littlefair is manager.

Portland House to Danz

SEATTLE, July 6.—John Danz, head of Sterling Chain Theatres, Inc., has taken over the lease of the Orpheum in Portland. The house was formerly operated by Evergreen State Theatres as part of the Fox West Coast circuit.

Lesser Acquires Rialto

Rialto, Paterson, N. J., has been acquired by the Main St. Rialto Theatre Corp. (Howard Lesser).

Open Oklahoma Theatre

PUTNAM CITY, Okla, July 6.—The Coronada, seating 450, has opened here. The theatre has been leased by Cecil Davis, operator of the Ritz in Yukon, Okla.

Torres, Warners Settle 'Juarez' Suit

Warners will distribute Miguel C. Torres' production of "Juarez and Maximilian" under the terms of the settlement of the Mexican producer's $1,000,000 damage suit brought in Federal court, in which it was charged that Warners plagiarized the plot in "Juarez," starring Bette Davis and Paul Muni.

Attorneys for Warners said under the terms of the agreement, in which the suit is dismissed by Torres, the Torres film, made as an English version of the Spanish picture, would be released probably in September. Other details of the settlement are not known.

Files NLRB Petition

Bookkeepers, Stenographers & Accountants Union filed a petition yesterday with the N.L.R.B. for recognition as collective bargaining agent at the Paramount warehouse. Informal hearings were concluded without any agreement being reached and the case will go to a formal hearing. No date has been set.

Jane Withers, Autry Film

HOLLYWOOD, July 6.—Jane Withers and Gene Autry will be co-starred in "Jubilo," to be produced in the early Fall by 20th Century-Fox. The story is by Ben Ames Williams.

Short Subject Reviews

"March of Time, No. 12"

(RKO)

A history of the screen from its humble beginnings to its present rank as one of the nation's leading industries is contained in this reel, "The Movies March On." A laudable motion piece for the industry as a whole, it should hold audience interest throughout.

The reel starts by showing the new home of the Film Library of the Museum of Modern Art and mentions the fact that it gives courses in the appreciation of motion pictures. Then come the earliest one-sequence shots and scenes from a number of history making films. "The Great Train Robbery," "The Fugitive," "Tillie's Punctured Romance," "The Birth of a Nation," "The Big Parade," "The Jazz Singer" and "Zola" are only part of the list.

Such old time favorites as Mary Pickford, William S. Hart, Lionel Barrymore, Charlie Chaplin, Ben Turpin, Theda Bara, Rudolph Valentino, Greta Garbo, John Gilbert, Will Rogers and many of the more modern additions to stardom's list appear briefly. Studio technic is described and several studio and distribution executives are heard. Harry Warner, Jack Warner, George Schaefer, Darryl Zanuck, Cecil B. DeMille, Walt Disney and Mack Sennett are among them. The reel ends with a statement by Walter Wanger that films are alive to present day demands and problems. This reel is worthwhile film fare for every age and type of patron. Running time, 20 mins.

"Stranger Than Fiction"

(Universal)

"Stranger Than Fiction" releases always are entertaining and this is no less noteworthy. Sequences deal with a hobbyist who saves penny banks; a group of young men who build ant houses; a canine burying ground; a pair of jitterbugs who vary the usual antics by "shining" on stilts; a boxer who turned to another type of canvas and now paints for a living; and a whittler who carves miniature steam locomotives. Running time, 9 mins.

ITO to Name Parley Unit on Wednesday

Special board meeting of the I. T. O. A. has been called for Wednesday to select a committee to confer with Department of Commerce officials on July 18. The meeting also will consider a program to be presented to the department, which is making a study of the industry.

Sixth C-P-P Program

A sixth Colgate - Palmolive - Peet program will appear on CBS with the advent of "Women of Courage," a new series that will start July 17 for Octagon Soap. Program will be aired Mondays through Fridays over the 16 stations of the CBS Dixie network. It will star Selena Royle. Benton & Bowles is the agency.

Filmarte Opener Set

The Filmarte will reopen early in the Fall with "The End of a Day," French film, as the initial attraction.

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Alert, Intelligent Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

M.P.P.D.A. OF AMERICA,
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N. Y.
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VOL. 46 NO. 5 NEW YORK, MONDAY, JULY 10, 1939 TEN CENTS

4A's Refuse Green Offer; Trial Today

AFA Repeats All Denials; Assails 'Persecution'

Offers by William Green, president of the American Federation of Labor, to appoint a mediation board for the hearing by the Associated Actors and Artistes of America of charges against American Federation of Actors was refused Friday at a special meeting of the 4-A's international board.

Trial will start at 11 A.M. today at the Bar Building. The hearings will be closed to the public and press.

Fears Bad Precedent

A 14-page reply to the charges was submitted at the meeting by Abraham J. Halprin, A.F.A. attorney. They set forth in legal phraseology the answers previously given by Sophie Tucker, A.F.A. president.

Frank Gillmore, 4-A president, stated Friday that the mediation offer has been turned down because it "would be a bad precedent," it would not be binding on both sides and that it would result in wasted effort.

Calls Trial Improper

In reply, the A.F.A. declared that it had offered to accept the mediation effort as final and that the legality of such move had been approved by Paul N. Turner, 4-A counsel.

Halprin reiterated that in his opinion today's trial would be improper and that he would not abide by the result if it was unfavorable.

No estimate of the duration of the trial could be obtained but it was learned that Gillmore has hired the hearing room for morning and afternoon sessions for one week.

The A.F.A. reply to charges declared

(*Continued on page 6*)

Swanson's Death Delays Neely Bill

WASHINGTON, July 9.—Due to the death of Secretary of the Navy Swanson, former senator from Virginia, the Senate Friday adjourned after a 15-minute session, again delaying consideration of the Neely bill.

The next meeting of the Senate will be Monday, at which time, if any business is considered, it is expected that Senator Harrison will move to set the Neely bill aside to take up the social security legislation, thus making it probable that the film measure will not come up for consideration before the middle of the week.

Trendle Resigns As United Detroit Theatres Leader

George W. Trendle resigned late last week as president and operating head of United Detroit Theatres Corp. following discontinuance of extended negotiations with Paramount over a renewal of his operating agreement with the circuit.

Barney Balaban, Paramount president, said that no successor to Trendle had been decided on yet. He said that no other officials of United Detroit are affected by the resignation and declared that the theatres would not be placed under operating direction of B. & K.

Trendle will devote his entire time to his growing radio interest in Detroit and throughout Michigan, the increasing importance of which is said to have influenced his decision to resign his theatre post.

He is president of Michigan Radio Network, which includes nine stations in principal cities in the state, and heads the King-Trendle Broadcasting Corp., operating Station WXYZ, Detroit. In addition, his radio interests include ownership of The Lone Ranger and The Green Hornet programs.

Trendle is a veteran theatre operator, having been an organizer and founder of the Kunsky-Trendle circuit in Detroit, which subsequently was sold to Paramount and became the present United Detroit Theatres. It is understood that he will continue in charge of the theatre company's affairs until a successor has been named.

Chicago B-K Trial Postponed to Fall

Chicago, July 9.—Resumption of the government's contempt suit against Balaban and Katz and the majors is scheduled for Sept. 5. The suit was adjourned Friday with presentation of documents regarding film rentals and testimony on picture classifications by Aaron Jones, Sr.

Connecticut Fights High Film Rentals

NEW HAVEN, July 9.—Connecticut M.P.T.O. and Allied Theatres of Connecticut have joined in launching a campaign against higher film rentals which they say are being asked for new season's product. The campaign includes a protest against salesmen's attempts to "force" exhibitors to take short subjects with new season's features.

Campaign will be launched with an advertisement in Monday's MOTION PICTURE DAILY reproducing a protest and resolution adopted at a joint meeting of the two exhibitor organizations here last week.

Leaders of the protest campaign say that "while Connecticut exhibitors are not out for any blood, they feel that returns at the box-office for some time have been so poor as to necessitate reduced rentals to permit them to stay in business."

400 Broadcasters Attend Atlantic City Convention

ATLANTIC CITY, July 9.—Annual convention of the National Association of Broadcasters opens tomorrow morning at the Ambassador Hotel here, with about 400 broadcasters expected to attend the three-day session.

The morning session tomorrow will be devoted to meetings by the clear channel, regional and newspaper-owned groups.

Following a luncheon tendered by the Bureau of Radio Advertising and Sales Managers Division, the afternoon sessions will begin with a meeting of the I.R.N.A. group. The Copyright Committee will meet during the evening.

Neville Miller, president of the N.A.B., will deliver his annual report at Tuesday's opening session. The afternoon will be devoted to a discussion of the newly-formulated broadcasting code.

Wednesday, the convention will be addressed by Elmer Andrews of the Department of Labor, and during the evening by Will Hays, president of the M.P.P.D.A., who will address the convention from his office in Hollywood via a special line "piped" to the convention headquarters. The speech will be broadcast.

The New York contingent includes, from NBC: A. L. Ashby, H. M. Beville, C. W. Farrier, O. B. Hanson, William S. Hedges, S. B. Hickock, Jr., Keith Kiggins, Lenox R. Lohr, Janet MacRorie, Phil Merryman, Clay Morgan, A. H. Morton, Niles Trammel and Mark Woods. From CBS: Mefford Runyon, Herbert Akerberg, Jap Gude, Steve Fuld, John Karol, Bill Lewis, Hugh Cowhan, E. K. Cohan. From Mutual: Ted Streibert, Fred Weber, Bob Schmidt and Lester Gottlieb.

Independent Code Stand By N.Y. Allied

Continues Negotiations For Pact in State

New York Allied at its meeting in Syracuse last week ignored the rejection of the industry trade practice code by its parent organization, national Allied States, and appointed a five-man committee to continue negotiations with distributor representatives in an effort to obtain "a fair trade practice code for the state of New York," it was disclosed in a weekend statement from Max A. Cohen, president of New York Allied.



Max A. Cohen

Whether or not the state unit's action in refusing to follow the lead of national Allied in rejecting the code implies or will lead to a complete break away from the parent organization was not immediately certain.

Cohen's Statement

Cohen refused to comment on this phase of the state organization's action, confining himself to his prepared statement, which follows.

"At a statewide meeting of New York Allied held at Syracuse, N. Y., July 6th, in view of the rejection of the proposed Fair Trade Practice Code by the national organiaztion at Minneapolis, the members present reaffirmed the New York unit's oft-repeated policy of doing all within its power to keep negotiations alive and thus endeavor to eventually bring about proper and adequate regulation of the industry from within.

Code Committee Authorized

"New York Allied feels this can and should be done, and, therefore, meeting resolved and directed that a committee of five be appointed to confer with the Distributors' Committee for the purpose of evolving a Fair Trade Practice Code for the State of New York. This committee was authorized and empowered to conclude negotiations with the distributors in the event that a satisfactory document could be evolved which would embody with definite clarity the intent

(*Continued on page 6*)

Purely Personal

JAMES R. GRAINGER, Republic Pictures president, returns to New York today from Baltimore.

•

Visiting showmen to Paramount's World's Fair headquarters in the home office included VINCENT MCFAUL, of Buffalo Theatre, Inc.; HARRY NACE, of Phoenix, Ariz., who is enjoying a short stay in Atlantic City; ARTHUR MAYER, of the New York Rialto, and JEROME WINSBERG, manager of the Lakeside, Chicago.

•

ARTHUR UNGAR, in Hollywood, is home after a severe hospital siege.

•

HERBERT BAYARD SWOPE is ill of a throat infection at his summer home at Port Washington, Long Island.

•

HENRY GORDON, Central American manager for Paramount, who is at the home office for conferences with GEORGE WELTNER, assistant foreign department manager, made the trip to New York from his headquarters at Ancon by air.

•

W. A. SCULLY, Universal vice-president and general sales manager, returned to New York from Scranton over the weekend.

•

LOLA LANE and her mother drove from the coast to Des Moines for a visit with relatives. MISS LANE originally lived in Indianola, Ia.

•

ED MCBRIDE, Loew's State manager in Providence, will leave on a Canadian vacation next week.

•

MITZI GREEN has the lead in "Stage Door," at the Theatre-by-the-Sea, Matanuck, R. I.

•

I. E. LOPERT, president of Juno Films, will leave for the coast Monday with a print of "The End of a Day," new French film which will be released in the Fall.

•

BRUNO ZWICKER, who has the American distributing rights to "Two Hearts in Waltz Time," will sail this week for London and Paris to look over product. He will return in September.

•

Y. FRANK FREEMAN, Jr., left for the Coast over the weekend after a brief visit at the Paramount home office last week. He came here from Atlanta where he attended personal business.

•

LEONARD GOLDENSON of the Paramount legal department is due back in New York from Detroit this week.

•

WILLIAM CAMERON MENZIES arrived in New York from Hollywood yesterday en route to London for a special assignment on ALEXANDER KORDA'S "Thief of Bagdad." He sails on the *Normandie* Wednesday.

•

BERT REISMAN, RKO branch manager in Peru, and Mrs. REISMAN returned Saturday on the *Santa Rita* after a stay of about three weeks here.

•

JAMES MULVEY, TOM CONNORS, MONROE GREENTHAL, MAX A. COHEN, LEE SHUBERT, RUSSELL HOLMAN, SAM SHAIN at Nick's Hunting Room in the Astor for lunch Friday. Also, SIDNEY PHILLIPS, BEN BOYER, HAROLD BUCKLEY, GEORGE SKOURAS, EDWARD GOLDEN.

•

M. B. HUSTLER, Fox Capitol Theatre, Sacramento, Calif., was a visitor at the RKO lounge on Friday.

•

MAY ROBSON, after a two-week vacation in the East, returns to Hollywood tomorrow.

Insider's Outlook

By SAM SHAIN

PASSES and managerial courtesies often become a subterfuge for a reduced scale. Massachusetts exhibitors are now taking steps to correct it. Company sales managers have been urged to help.

Other exhibitors in other parts of the country might serve themselves well by taking similar action.

The Allied Theatres of Massachusetts, Inc., an affiliate of the M. P. T. O. A., has initiated the first of the organized complaints and has communicated with the companies about it.

Certain theatres in and around Boston, according to what we hear, as unbelievable as it may seem, actually permit free admissions, while others under the guise of service charges really operate on a 5 and 10-cent scale.

Some theatres distribute thousands of passes carrying only a service charge. Others use newsstands and shop counters for distribution of passes.

Sample passes have been sent to the sales managers and among these is a so-called "introductory pass" by which the holder obtains free admission to the particular theatre until 5 p. m. After 5 p. m., a service fee of 10 cents is charged.

The entire situation is contrary to good showmanship, violates the rules of fair competition and is destructive to the basic merchandising practice.

DAVID SELZNICK has conceived a novel and practical way to popularize the title of his forthcoming picture, "Intermezzo," to be released by United Artists. In association with George Fisher, Hollywood radio commentator, there has been arranged a nationwide radio forum and contest on the film. Prizes will be awarded to create advance audience appeal by encouraging suggestions from the public. Fisher's broadcasts will be twice weekly, on Saturdays and on Wednesdays, over approximately 150 stations of the Mutual network.

E. H. MAYER says that the tendency in Cincinnati is away from chance games since the city imposed restrictions on them last November, and gives an idea of the inroads chance games have made on theatres. Figures released by the Cincinnati Police Department show that there were 1,089 games during the first six months of the year, playing to a total audience of 1,050,002. Total receipts were $808,612.67. Prize money totalled $195,213.30.

DAN PARKER, sports editor of the N. Y. *Mirror* has written to Tony Galento, heavyweight contender, the following letter:

"Dear Tony: They're calling you 'The Man in the Iron Mask' since you took those wallops from Louis where you usually take your beer, namely in the mush. Therefore, my bold fellow, please accept this iron mask which the United Artists Corporation, distributors of the picture, 'The Man in the Iron Mask,' has asked me to send you. If you have no use for it, you might turn it over to Yussel the Muscle, who, I understand, has just lost another decision. Sincerely, Dan Parker."

Incidentally, there will be an international short wave broadcast on behalf of "The Man in the Iron Mask," produced by Edward Small, on July 14.

RKO Lounge Visitors

The following out-of-town visitors were recent guests at RKO's Exhibitor's lounge: Mr. and Mrs. Roy E. Harrold and daughters, Princess Castle Theatres, Rushville, Ind.: M. Kennedy, Kenworthy Theatre, Moscow, Ida.; Clement Lococo, Gran Teatro Opera, Buenos Aires, Argentina; and Guy P. Morgan, United Artists representative, Buenos Aires.

Mrs. Dooley Rites Scheduled Today

PHILADELPHIA, July 9.—Funeral services will be held here tomorrow for Mrs. Mary Dougherty Dooley, 76, mother of the famous "Four Dooleys" of the stage, who died Friday at the home of a daughter, Mrs. George Vaughn, at Upper Darby, Philadelphia suburb.

Mrs. Dooley was taken ill in Atlantic City last week. With her when she died was Ray Dooley, who is the wife of Eddie Dowling, actor-producer. Dowling left Friday night for Philadelphia from Cutchogue, Long Island. Mrs. Dooley was never on the stage herself, but the "Four Dooleys," Ray, Johnny, Gordon and William, were famous for years. The latter three died within a period of six years, and Ray and Mary, Mrs. Vaughn, are the only surviving children.

Revive Policy Of Giveaways In Wisconsin

MILWAUKEE, July 9.—With Bank Night banned, H. J. Mirisch's Oriental and Tower here announce encyclopedia giveaways. Book night certificates together with 10 or 25 cents, depending upon the edition desired, entitle the patron to one volume. A new volume is released every book night until all 15 volumes have been made available.

Although money games at local theatres are on the decline, the *Milwaukee Journal* in an editorial takes the district attorney to task for not banning all games of chance, with particular reference to church Bingo.

Although District Attorney Cletus G. Chadek at Green Bay refused permission to Fox to give away an automobile at the circuit's Bay theatre in that city, Fox advertised three Ford cars as giveaways at its nine theatres here.

T. M. Ellis, Jr. and G. A. Turner, Beloit exhibitors who are contesting attacks on the legality of Sheckles, a money game played at their State, Majestic and Rex, have obtained a change of venue from the Beloit Municipal Court to the Circuit Court at Janesville.

Warner Officials Entrain for Coast

Joseph Bernhard, general manager of Warner Bros. Theatres, Mr. and Mrs. Bryan Foy and Mort Blumenstock, Eastern advertising and publicity director for Warner Bros., entrained Friday for the Coast.

Bernhard and Blumenstock are going West for conferences with Jack L. Warner, Hal B. Wallis and S. Charles Einfeld, while the Foys are returning after spending a vacation in New York. Bernhard will be away about ten days, while Blumenstock will be at the company's Burbank studios for about two weeks.

Selznick Ad Counsel

Donahue & Coe has been appointed advertising counsel of all Selznick International pictures to be distributed by United Artists during the new season. The initial campaign is under way for the first two Selznick releases, "Intermezzo" and "Rebecca."

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"AS GREAT AS 'MONTE CRISTO'!" IS THE UNANIMOUS VERDICT OF THE PREVIEW CRITICS ON EDWARD SMALL'S PRODUCTION OF ALEXANDER DUMAS' MASTERPIECE. WATCH FOR THE BOX-OFFICE'S CONFIRMATION AT THE WORLD PREMIERE ENGAGEMENT, THURSDAY, JULY 13th, AT RADIO CITY MUSIC HALL.

"Showmen who have been waiting for Small to give them another picture like 'Monte Cristo' needn't wait any longer. This is it." —*Motion Picture Daily*

"Highly entertaining. Substantial entertainment for general appeal." —*Variety*

"For those who like roistering melodrama, it is just their meat." —*Louella Parsons, International News Service*

"Appeal to a wide following indicates high expectations of its popularity at the box-office." —*Hollywood Reporter*

"Box-office dynamite . . . one of the most impressive pictures of the year. Small who won distinction by making 'Monte Cristo' has lost none of his flair for bringing to the screen the immortal Dumas." —*Box-Office*

"Small delivers a winner to U.A. in this stirring, splendid picture. Top-flight box-office entertainment for mass and class." —*Daily Variety*

"Romantic adventure accomplished in a dashing and engrossing manner. Rip-roaring action." —*Los Angeles Times*



EDWARD SMALL *presents*
The Alexander Dumas Classic

THE MAN in the IRON MASK

a James Whale Production starring

LOUIS HAYWARD and JOAN BENNETT
with Warren William • Joseph Schildkraut • Alan Hale
Directed by James Whale • *Screenplay by* George Bruce

RELEASED THRU UNITED ARTISTS

'Chips' Clears Good $19,500, Philadelphia

PHILADELPHIA, July 9.—Aided by a cool weather-break over the holiday period, the theatres did fair business. "Goodbye, Mr. Chips" was a real bell-ringer at the Boyd with $19,500.

Estimated takings for the week ending July 6:

"Only Angels Have Wings" (Col.)
ARCADIA—(660) (25c-42c-57c) 7 days. 2nd run. Gross: $2,300. (Average, $2,800)
'Goodbye, Mr. Chips" (M-G-M)
BOYD—(2,400) (32c-42c-57c) 7 days. Gross: $19,500. (Average, $14,000)
"6000 Enemies" (M-G-M)
EARLE—(2,000) (26c-42c-57c) 7 days. Gross: $7,200. (Average, $8,000)
"Naughty But Nice" (W.B.)
FOX—(3,000) (32c-37c-42c-57c-68c) 7 days. (6 days stage). Stage: Milt Britton Band, Bea Wain, Bruce Cabot. Gross: $16,000. (Average, $16,000)
"Invitation To Happiness" (Para.)
KARLTON—(1,000) (32c-42c-57c) 9 days. 2nd run. Gross: $4,000. (Average, 7 days, $4,000)
"Juarez" (W.B.)
PALACE—(1,000) (26c-42c) 7 days. 3rd run. Gross: $4,000. (Average, $4,500)
"Man About Town" (Para.)
STANLEY—(3,700) (32c-42c-57c) 7 days. Gross: $13,000. (Average, $14,000)
"Captain Fury" (U. A.)
STANTON—(1,700) (26c-32c-42c) 7 days. Gross: $6,000. (Average, $7,000)

'Maisie' Cincinnati Leader with $6,600

CINCINNATI, July 9.—"Maisie" was the outstanding grosser, giving Keith's a big $6,600. "Naughty But Nice" had a good $3,100 second week at the RKO Grand, but other houses were below average.

Estimated takings for the week ending July 5-8:

"Tarzan Finds a Son" (M-G-M)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $11,000. (Average, $12,000)
"Invitation to Happiness" (Para.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $9,300. (Average, $10,000)
"Goodbye, Mr. Chips" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days. 3rd week. Gross: $3,000. (Average, $6,500)
"Five Came Back" (RKO)
RKO LYRIC—(2,000) (35c-42c) 7 days. Gross: $3,800. (Average, $5,000)
"Naughty But Nice" (W. B.)
RKO GRAND—(1,200) (25c-40c) 7 days. 2nd week. Gross: $3,100. (Average, $2,750)
"Racketeers of the Range" (RKO) (2 days)
"Code of the Secret Service" (F.N.) (3 days)
"The Lady Vanishes" (G. B.) (2 days)
RKO FAMILY—(1,000) (15c-25c) Gross: $1,800. (Average, $2,400)
"Maisie" (M-G-M)
KEITH'S—(1,500) (30c-40c) 7 days Gross: $6,600. (Average, $6,000)

'Kokomo' and 'Drew' $7,200, Providence

PROVIDENCE, July 9.—The Majestic's dual, "The Kid From Kokomo" and "Nancy Drew, Trouble Shooter" took $7,200 for the best comparative gross. Fine weather and the Barnum-Ringling circus hurt business.

Estimated takings for the week ending July 5-6:

"The Kid From Kokomo" (W.B.)
"Nancy Drew, Trouble Shooter" (W.B.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $7,200. (Average, $7,000)
"Stolen Life" (Para.)
"Street of Missing Men" (Rep.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $5,700. (Average, $6,000)
"Stronger Than Desire" (M-G-M)
"Exile Express" (G. N.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $9,200. (Average, $11,000)
"Susannah of the Mounties" (20th-Fox)
"It Could Happen to You" (20th-Fox)
CARLTON—(1,526) (25c-35c-50c) 7 days. 2nd week. Gross: $2,300. (Average, $3,500)

Previews of Films

"Bulldog Drummond's Bride"
(Paramount)

HOLLYWOOD, July 9.—Climaxing the series of H. C. McNeil "Bulldog Drummond" stories which Paramount has been making, "Bulldog Drummond's Bride" is an amusing combination of crime drama, comedy romance and farce-tinged action. It takes a surprising twist in the concluding sequences when Heather Angel (Phyllis) so fixes things that it is no longer possible for John Howard (Drummond) to defer marriage.

Directed by James Hogan, who made two recent pictures in the series, the McNeil story was adapted by Stuart Palmer and Garnett Weston, who, individually or in collaboration, prepared most of the screenplays which featured the regular Howard, Angel, H. B. Warner, Reginald Denny, E. E. Clive and Elizabeth Patterson cast. Supporting players this time include Eduardo Ciannelli, Gerald Hamer, Adrienne D'Ambricourt, John Sutton and Louis Mercier.

Robbing a London bank, Ciannelli cleverly escapes capture and hides the loot in a radio in Howard's apartment. Howard, who is eager to get to France to marry Miss Angel, has little enthusiasm for helping Scotland Yard Inspector Warner solve the case. The detective's furniture is packed for shipment across the channel before Ciannelli can recover the money.

When action transfers to a little French town where the waiting Miss Angel is determined that Howard shall no longer postpone the wedding, the picture assumes a farce character. However, between Howard, Warner, Clive, Denny and squads of French police, Ciannelli is eventually captured and the loot recovered. Miss Angel needs no help in leading Howard to the altar.

Running time, 55 minutes. "G."* G. McC.

"Wyoming Outlaw"
(Republic)

Unusual in plot and treatment, "Wyoming Outlaw" is a western which packs a punch not found in every action film. Departing from the customary theme of cattle rustlers, the story depicts the plight of a family in the Dust Bowl which is unable to obtain employment because of the machinations of an unscrupulous politician and is also barred from the relief rolls because it owns worthless land. Exhibitors who do not usually show westerns might find in "Wyoming Outlaw" a novelty.

The Three Mesquiteers, John Wayne, Ray Corrigan and Raymond Hatton, are ably supported by Donald Barry, the young outlaw. Barry, the son of the unfortunate Parker family, obtains food for the household by occasionally rustling a steer and poaching in the game preserves. The Mesquiteers offer him a job, which he gratefully accepts, but the game wardens refuse to permit him to enter the grazing fields because of his previous record. Angered, Barry attempts to kill a doe but is arrested and jailed.

While in jail, he learns that LeRoy Mason, the politician, has assaulted the elder Parker when the latter offered to testify about the local graft. Barry escapes but is shot down together with Mason after a long hunt by a posse. The State Senate takes action and the politicians are ousted. Interspersed are many chases, fist fights and gun battles.

William Berke was associate producer and George Sherman directed. Jack Natteford wrote the original story and, with Betty Burbridge, the screenplay.

Running time, 57 minutes. "G."* ED GREIF

*"G" denotes general classification.

Argentine Pictures Gaining in Uruguay

MONTEVIDEO, Uruguay, July 9.—French and Argentine productions are becoming increasingly popular in this country. French films are notably successful in the big city first run houses, while the Argentine films, in Spanish, are enjoying excellent business in the neighborhood houses.

American films are no longer considered absolutely necessary to the programs of the smaller theatres, and many of them show Spanish-speaking Argentine films exclusively.

For example, the 67 houses in this city in a recent week showed 73 American films, 28 Argentine, 18 French and a scattering of other foreign product. The film patrons of this country also are coming to demand newsreels, which they cared little about before.

Several new theatres are planned here, notably the Trocadero, a 2,000-seat house to be built by the Glucksmann circuit.

'Town' Gets $5,600, Leads In Milwaukee

MILWAUKEE, July 9.—Except for "Man About Town" and the "Gracie Allen Murder Case," which combination grossed $5,600 at Fox's Palace, business was generally weak.

Estimated takings for the week ending July 6:

"Man About Town" (Para.)
"Gracie Allen Murder Case" (Para.)
PALACE—(2,400) (25c-35c-50c) 7 days. Gross: $5,600. (Average, $4,000)
"They Asked for It" (Univ.)
RIVERSIDE—(2,700) (25c-30c) 7 days. Stage: "Opera vs. Swing." Gross: $5,200. (Average, $6,500)
"Invitation to Happiness" (Para.)
"The Sun Never Sets" (Univ.)
STRAND—(1,400) (25c-35c-50c) 7 days. Gross: $1,150. (Average, $1,500)
"Captain Fury" (U. A.)
"The Man Who Dared" (W. B.)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: $4,500. (Average, $4,500)
"Stronger Than Desire" (M-G-M)
"Outside These Walls" (Col.)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: $4,300. (Average, $5,500)

Seek Ouster of Fox Theatres Trustees

The Trust Co. of Georgia, $400,000 creditor of Fox Theatres Corp., asked Federal Judge Knox in an application filed in the U. S. District Court Friday, to restrain consummation of the plan of liquidation of Fox Theatres and to remove Milton C. Weisman and Kenneth Stenreich as trustees pending hearings on objections to the accounting filed by Weisman as receiver.

The petition, which was signed by Robert Aronstein as attorney for the trust company, asked for the appointment of a temporary receiver to replace the trustees. Judge Knox has indicated that he will appoint a referee to conduct hearings on claims of mismanagement and waste raised by creditors to the final accounting of Weisman as former receiver of the company.

Headliners Awards For Newsreel Shots

The National Headliners Club, at its convention at Atlantic City Friday, included the following in its list of awards for outstanding achievements:

To A. T. Hull, Jr., of Pathe News, for the newsreel showing the bombing and capture of Canton by the Japanese, considered the best newsreel in the foreign field.

To Al Brick of Fox Movietone News for the domestic newsreel of the year—the fatal injury of Capt. A. I. T. Roark at a Monterey, Calif., polo match.

To Jack Knell of WEEI, Boston, for his account of the rescue of Squalus survivors, considered the best radio reporting of a news event.

New Cagney Contract

James Cagney has signed a new long term contract, replacing his present one which expires next October, it was announced over the week end by Jack L. Warner, vice-president of Warners. Cagney may be cast as John Paul Jones. Cagney begins work today in "The Roaring Twenties" by Mark Hellinger.

BANNER LINES

By JACK BANNER

NEW IDEA . . . Something new in the way of radio-theatre cooperation is the deal worked out between the Paramount Theatre in Brooklyn, and WOR, for Benay Venuta's weekly broadcast. Starting tonight, Miss Venuta will broadcast her program from the stage of the theatre, and what's more, 400 radio fans holding tickets to her broadcast will be admitted to the theatre free of charge. The Paramount management is reserving the entire loge section for the radio crowd. Latter will be permitted to remain after the broadcast to witness the picture, which this week is "Dan Peters Courageous."

Of course there's design behind the idea. The theatre operators expect paying fans—both motion picture and radio—to be lured to the theatre by the prospect of the broadcast. It is understood that the management of the Fox Theatre, also in Brooklyn, is negotiating a similar deal with NBC.

▼

ODD BUT TRUE . . . CBS is devoting air time for a pick-up of Will Hays' speech to the NAB, but is passing up the chance to broadcast the address of Neville Miller, who is to radio what Hays is to the motion picture industry.

▼

IT WON'T HAPPEN THERE . . . Mindful of the way which Orson Welles scared local dealers who thought that the Mars bogeymen had come to get them, BBC is issuing statements to the press and making announcements on the air that a dramatization, "Air Raid," will be presented, and asks that no one get alarmed about what they'll hear. The BBC warning reads "part of this program will be presented as realistically as possible, and we are taking this opportunity of warning listeners who might otherwise be alarmed that the broadcast, although founded on official information, is entirely imaginary."

▼

NEW HOLLYWOOD SERIES . . . Young Hollywood actors and actresses on the way up will be given an opportunity to prove their dramatic ability in a new series, "Hollywood Ladder of Fame," which has been scheduled for presentation over NBC-Blue on Fridays starting this week. There's a plan afoot, although it has not been completed, to present big name directors in each production. NBC is trying to obtain Sid Lanfield for the first broadcast.

▼

TELEVISION . . . Fifteen feature length motion pictures, in addition to the dozen already obtained, have been tentatively booked by NBC's television department. The majority of the new batch, like those previously obtained, are French and British pictures. NBC is also toying with an interesting idea. The network is trying to obtain rights to a number of serials. Serials were the backbone of the early movies, and perhaps they may serve the same purpose in television.

▼

PERSONALS . . . Jack Smart has joined the Al Pearce gang. . . . Franchot Tone booked for a guest shot on Knickerbocker Holiday Sunday. . . . A WOR special bulletin the past week-end brought to shore T. D. Wells, Lord & Thomas promotional director, whose father had died suddenly. Wells had been cruising off the Long Island shore. . . Abe Schechter, NBC director of news and special events, back from a trip across the country. . . . Charles Vanda, CBS west coast program manager, in from Hollywood for a visit. . . . Other Hollywoodians here are producer Bill Bacher and band leader David Broekman. . . . Ralph Edwards, announcer on the Raymond Paige show, will marry Barbara Jane Sheldon of Connecticut. . . . More romance, Harlow Wilcox, announcer on the Fibber McGee-Molly show, married Mari Bishop in Reno yesterday, and Don Quinn, script writer of the same program, will marry Edythe Dixon of the Tom Fizdale publicity office in Chicago.

▼

ROYAL OFF . . . John Royal, NBC's vice-president of programs, took off for Europe on the Clipper Saturday afternoon. He will confer with Toscanini, and with NBC's European representatives, Fred Bates and Max Jordan, before returning to Radio City some 10 days hence.

'Good Girls' Does $12,500 in Detroit

DETROIT, July 9.—"Good Girls Go to Paris" and "Clouds Over Europe" gave the Fox $12,500. The Michigan took $12,000 with "Man About Town" and "Undercover Doctor."

Estimated takings for week ending July 6:

"Hound of the Baskervilles" (20th-Fox)
"Susannah of the Mounties" (20th-Fox)
ADAMS—(1,700) (15c-40c) 7 days, 2nd run. Gross: $5,000. (Average, $5,000)
"Good Girls Go to Paris" (Col.)
"Clouds Over Europe" (U. A.)
FOX—(5,000) (20c-55c) 7 days. Gross: $12,500. (Average, $10,000)
"Man About Town" (Para.)
"Undercover Doctor" (Rep.)
MICHIGAN — (4,000) (20c-65c) 7 days. Gross: $12,000. (Average, $10,000)
"Kid From Kokomo" (W. B.)
"Zero Hour" (Rep.)
PALMS—(3,000) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)

FCC Calendar

WASHINGTON, July 9. — Federal Communications Commission has tentatively assigned dates for hearings on broadcasting matters, as follows:

July 14: Applications of KRLH, Midland, Tex., for extension of time from day to unlimited with 100 watts power night, 250 watts day; and KFIO, Spokane, for change of frequency from 1,220 to 950 kilocycles, extension of time from day to unlimited and increase of power from 100 to 1,000 watts.

Sept. 6: Application of KUTA, Salt Lake City, for change of frequency from 1,500 to 570 kilocycles and an increase of transmitting power to 1,000 watts.

CONNECTICUT INDEPENDENT EXHIBITORS PROTEST!

The trend of falling grosses at the theatres and rising profits to distributors generally, as evidenced by a few among hundreds of headlines.

"U" Gross up $2,000,000 in Last Year—M. P. Daily

"Film Biz Does Nose Dive; 1st March Slump in 5 Yrs." —Variety

Para. Second Quarter Earnings Are Up—Box Office

B & K Receipts for 1st 14 Weeks New Year Show Drop of 4½%—Film Daily

"Loew's 12 Week Net Above 1937" — M. P. Herald

Dog-Days and Summer Doldrums Again Find Circuits Worrying Over Flow of $$Films—Box Office

CONNECTICUT INDEPENDENT EXHIBITORS ACT!

Whereas theatre grosses have been constantly falling for the past year and now dropped to an alarming degree, and

Whereas, the prices of film rentals have been constantly rising contrary to the business trend, and

Whereas, said film distributors are forcing the sale of shorts and newsreels, contrary to the spirit of the code they offer to the trade.

NOW THEREFORE, be it

RESOLVED, that we, the independent exhibitors of Connecticut, in meeting assembled this 27th day of June, 1939, at the Hof-Brau, New Haven, demand decreases in film rentals for the ensuing year, commensurate with the drop in grosses, and be it further resolved, that we will not be coerced, directly or indirectly, into the buying of shorts and newsreels.

IRVING C. JACOCKS, JR., *Pres. M.P.T.O.*

MAURICE SHULMAN, *Pres. Allied*

4A's Refuse Green Offer; Trial Today

(*Continued from page* 1)

that benefit funds had been borrowed for general use, but that they had since been returned and set up in a special account. Purchase of a $1,700 car for Ralph Whitehead, executive secretary, was defended on the ground that the automobile was needed for union activity and that the 4-A had no right to interfere in such internal matters.

Commissions paid to organizers and expenses used by collectors out of dues payments was defended on the ground that union finances made it necessary and that it was frequently done in other unions, including 4-A members.

The answer denied that Whitehead controlled the union and stated that Miss Tucker was its most active member. Union meetings were conducted democratically in accordance with by-laws approved by the 4-A's, and no member was ever refused the floor, it was said. Scattering of membership over the country made full membership and council meetings impossible.

The investigation was limited to the question of larceny of funds and did not extend to other matters, it was asserted. Refusal to show books of the Los Angeles office to the investigating committee was repeated, but an offer to show them to an "impartial accountant" was made.

Financial difficulties made organization of film houses with stage presentations impossible, but future success is expected, it was alleged. The trial board is acting as "persecutor, prosecutor and judge," the answer said, and every member of the board will be called as a witness.

N. Y. Allied Standing Independent on Code

(*Continued from page* 1)

of the proposed code reached at Chicago.

"The committee appointed consists of Max A. Cohen, Chairman, Happ Merriman and S. Grossman of Syracuse, Mitchel Conery of Ravena and Ray Pashley of Interlaken, with H. Laurence of Cattaraugus as alternate.

"It was also resolved and ordered that membership books of the organization be officially closed as of September 1st, 1939, and that on and after that date any independent exhibitor deserving admission to the organization would be obliged to pay an initiation fee of $50 per theatre.

"The meeting was highlighted by the unofficial visit of Fred Meyers of RKO and Meyer Shine who dropped in for an informal greeting."

Seeks to End Writ In Ohio Game Suit

TROY, O., July 9.—Andrew Attenweiler, suing Troy Amusement Co., for alleged violation of the Ohio lottery law in the operation of Bank Night at the Mayflower, has filed a demurrer to the petition and a motion to dissolve the temporary injunction granted by the Common Pleas Court restraining further issuance of search warrants to seize Bank Night equipment as evidence.

New York Review

"Hell's Kitchen"

(Warners)

The "Dead End Kids" once again prove that they are individually capable actors and that, in unison, they are a remarkably cooperative group of young performers.

In "Hell's Kitchen," which is a competent blending of melodramatics, humor and occasional touches of straightforward drama, the boys are among the victims of the unscrupulous "founder" of a boys' home, who seeks contributions for the home but treats the inmates with the utmost cruelty.

Stanley Fields, reformed racketeer, with a suspended sentence hanging over him, takes over the home, with the help of Ronald Reagan, his nephew and attorney, and Margaret Lindsay, former employe of the home who is rehired by Fields. With the connivance of a former henchman of Fields, the home's founder brings "ringers" into a hockey match between the boys' team and an orphanage, and when Fields gets into a fight, he automatically violates his parole.

The picture's dramatic highlight occurs when, after the death of a boy placed in a refrigerator as punishment, the boys capture the home's head, try him in a kangaroo court, and sentence him to death. Fields arrives in time to save the boys from their mistake, points them in the right direction, and leaves to serve his term.

Louis Seiler and E. A. Dupont directed from a screenplay by Crane Wilbur and Fred Niblo.

Running time, 81 minutes. "G."* CHARLES S. AARONSON

**"G" denotes general classification.*

RKO Baseball Nine Wins Disputed Game

Motion Picture Baseball League has named RKO winner of the game with Consolidated which ended in dispute, necessitating an elimination series to determine the holder of second place for the first half season.

Games scheduled this week include today, RKO vs. M-G-M; Tuesday, Rockefeller Center vs. Columbia; Friday, Consolidated vs. Paramount, and Saturday, Skouras vs. NBC.

Edwin Carewe Rallies

HOLLYWOOD, July 9.—Edwin Carewe, veteran director of silent-day films, is rallying from a heart attack which he suffered Wednesday.

Patent Suit Dismissed

Patent infringement suit of Virgil C. Crites against Warner Bros. Pictures Corp., Radtke Patents Corp., United Research Corp., Albert A. Radtke, Leonard Day, and Thomas J. Martin was dismissed Friday by Federal Judge Mortimer W. Byers who ruled that no evidence of infringement had been produced at the trial.

Nicholls Sues Republic

LOS ANGELES, July 9.—George Nicholls, Jr., film director, Friday filed in Superior Court a suit against Republic seeking $5,500 back pay allegedly due him under a contract which he claims was illegally terminated by the company.

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CEA and KRS To Open Joint Talks Today

LONDON, July 9.—Edward J. Hinge and W. R. Fuller, executives of the Cinematograph Exhibitors' Association, will hold a preliminary meeting tomorrow with D. E. Griffith, president, and Frank Hill of the Cinematograph Renters' Society (distributors), as a first step toward initiating new joint trade talks between the two major English trade bodies.

The preliminary session is expected to set the source for subsequent discussions, with the probability that overbuilding and the competition afforded by free film shows in cafes will be initial subjects for airing.

It is also likely that television, which has become an increasingly vexing problem for the English trade, will be considered. C.E.A. support is gaining for the suggestion made following the recent annual conference at Blackpool, for an annual fee payable to the British Broadcasting Corp. by exhibition in return for use of BBC television service in English film houses. However, the K.R.S. is not expected to favor such a move.

The C.E.A. television committee will meet this week, prior to the meeting of the general council on Wednesday. It is thought that later the C.E.A. may approach the K.R.S. again with the objective of seeking an agreement on a united trade policy with which to discuss the situation with the Postmaster General, under whose jurisdiction is the BBC television service.

Buzzell Denies Role In Film Crafts Strike

LOS ANGELES, July 9.—J. W. Buzzell, executive secretary, Los Angeles Central Labor Council, who aided the International I.A.T.S.E. officers in taking over the charter of Local 37, Friday took the stand in the trial of the counter suits over control of the local, to deny that he had participated in a campaign against International leaders during the 1937 strike of film crafts.

Buzzell denied having signed a telegram describing the I.A.T.S.E. as a "scab-herding agency for producers" and sent to labor locals in Hollywood who participated in the walkout.

Most of the session Friday was taken up with questioning by A. Brigham Rose, attorney for the deposed local officers, on the validity of telegram exhibits between International leaders prior to and during the takeover of the studio unit on March 13.

Warner Puerto Rico Deal

Teodulo Llamas, head of the Empresa Teatros Modernos Circuit in Puerto Rico, has signed for the entire Warner Bros.-First National product for the 1939-40 season. The Warner lineup will play the circuit's twelve theatres in San Juan, Santurce, and Rio Piedres.

'Chips' in 16 Holdovers

"Goodbye, Mr. Chips" has been held over in every one of its 16 prerelease key city openings, Metro announced over the week-end.

"Authority"

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Manager

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For, while newspapers, magazines and posters MAY be seen by your customers—how can you tell how many?
And, though radio advertising MAY be heard by your customers—how can you tell how many?
But — with NATIONAL SCREEN TRAILERS on your screen — you are CERTAIN that your customers SEE and HEAR your sales message.
You KNOW because they are inside your theatre, watching your screen. A 100% audience every time you run the trailer.
That's what makes NATIONAL SCREEN TRAILERS the cheapest, most effective, most consistent advertising you can buy!
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VOL. 45, NO. 6 NEW YORK, TUESDAY, JULY 11, 1939 TEN CENTS

C.I.O. Begins Vertical Drive In All Studios

Organizers Claim 3,000 Already Enrolled

HOLLYWOOD, July 10.—The C.I.O. has begun to move into the film business by organizing studio employes and already claims an enrollment of 3,000 members. The drive has started under auspices of the United Studio Technicians Guild which has opened offices within a stone's throw of the I.A.T.S.E. headquarters.

An application from the Technicians Guild is already on file with the National Labor Relations Board for certification as the collective bargaining agency for all crafts now held by the I.A.T.S.E.

The C.I.O. offered its aid to the Technicians' group in organizing the studio employes and on Sunday 500 key studio men at a meeting voted acceptance of financial assistance from the vertical union chieftains.

It is understood that the officers of Local 37 who are disputing I.A.T.S.E. control of its affairs are not connected in any official manner with the new group. Governing the affairs of the preliminary organization is a temporary board of directors whose names are being kept secret.

Government Rule For Canada Radio

TORONTO, July 10.—Government control of broadcasting throughout the Dominion has been further cemented by the decision of the Canadian Broadcasting Corp., acting on the recommendations of the Radio Committee of the House of Commons, to take over direction and control of all privately owned stations in September, the latter to be organized into chains subsidiary to the CBC network.

A reduction in the program contracts with commercial sponsors of the United States and Canada will be the immediate result of the comprehensive policy of the Canadian Broadcasting Corp. which has announced that it will replace a large proportion of independent advertising time with government chain broadcasts for which the CBC will assume liability, a basic rate to be charged by the CBC for this service.

There will be a loss of advertising revenue for the independent stations, it is admitted, but there will be com-

(Continued on page 8)

Neely's Bill Suffers Just Another Delay

Washington, July 10.—Confining its activities to funeral rites for Secretary of the Navy Swanson, the Senate today deferred consideration of the Neely bill until tomorrow, when it is expected that Senator Harrison will seek to have it laid aside so that social security legislation may be taken up.

It was indicated that Senator Neely would protest further sidetracking of his measure and might make an attempt to get an agreement to take it up for limited debate before undertaking consideration of the security legislation.

4A's Violated AFL Charter, Says AFA

Charges that Associated Actors and Artistes of America, parent international union of all actor unions, had violated the charter granted to it by the American Federation of Labor and a request for an immediate investigation were sent yesterday to William Green, A. F. of L. president, by Sophie Tucker, president of the American Federation of Actors.

In addition, the A.F.A. walked out of the hearing room as the trial of charges brought against it by the 4-A international board was about to start. The hearing was continued in the absence of the respondent.

Sixteen charges were filed by the

(Continued on page 7)

MAXWELL OFFERS NEW BOOKING IDEA TO BRITISH TRADE

Capra-Riskin Team Likely To Join U.A.

HOLLYWOOD, July 10.—According to authoritative advices Frank Capra and Robert Riskin may produce for United Artists release in the future.

Capra and Riskin today formed Frank Capra Productions as an independent enterprise to which they will devote their future.

Capra thus ends a 13-year affiliation with Columbia during which time he directed such successes as "It Happened One Night," "Lost Horizon" and "You Can't Take It With You."

The Capra-Riskin banner would be hoisted to the U. A. mast along with such producers as Alexander Korda, David Selznick, Samuel Goldwyn, Walter Wanger, Ernst Lubitsch, Edward Small, Sol Lesser, David Loew, Mary Pickford, Hal Roach and Charles Chaplin.

Riskin has been Samuel Goldwyn's major domo and Capra has been a

(Continued on page 4)

CEA to Act Upon Drastic Plan to Aid 1,000 Independents

By AUBREY FLANAGAN

LONDON, July 10.—The general council of the Cinematograph Exhibitors' Association on Wednesday will consider for the first time a revolutionary production and booking scheme under which a group of independents, possibly totaling 1,000, would be assured a continuity of product, backed by John Maxwell.

Maxwell last June informally proposed the formation of a booking block interested in pictures offered in collaboration with the product of Associated British Pictures Corp., Maxwell's company. The latter is said to have offered to back the plan financially.

Presumably, a group of independents designated by the C.E.A. would receive preferential bookings with the A.B.C. circuit for films produced at Elstree, and either made by or guaranteed financially by Maxwell.

The plan, if made effective, would present such formidable opposition to

(Continued on page 8)

11 Quebec Theatres Reopen; Gross Fine

QUEBEC, July 10.—Despite counter attractions, arrival of three U. S. battleships and fine weather, most of Quebec's eleven theatres reported better than average matinee attendance as they reopened today after being closed five weeks.

The five weeks' dispute between municipal authorities and theatre owners was ended when Premier Duplessis intervened to recommend abolition of the ten per cent amusement tax increase imposed by the city.

The Capitol, Quebec's largest theatre, resported an "average" matinee, while all other houses said attendance was increased over the same date last year.

All theatres forecast a busy night with more than 2,000 naval men coming ashore.

Pictures of the royal visit and the Louis-Galento fight were particularly popular. French theatres ran double and triple bills.

"They Shall Have Music"

[Samuel Goldwyn—United Artists]

HOLLYWOOD, July 10.—Samuel Goldwyn, who never does anything by halves, has not only brought the great Jascha Heifetz and his music to the cinema's millions, but has brought him to them as an actor portraying himself in a story about the great Jascha Heifetz and his music. This neatest trick of the summer is what is correctly known, Ladies and Gentlemen of Showbusiness, as Production! That half of the job would have satisfied most producers as a work well done, all things considered, but not Goldwyn.

Surrounding Heifetz in "They Shall Have Music," but never overshadowing him, are such marquee personalities of strictly film stripe as Joel McCrea, Andrea Leeds, Walter Brennan, Terry Killburn, Porter Hall and Marjorie Main, to name but a few. These players of highly marketable distinction perform acting chores of minor intrinsic importance, some of them scarcely more than bits, but there are their names, on a platter, for the use of showmen who doubt that the name of Heifetz

(Continued on page 7)

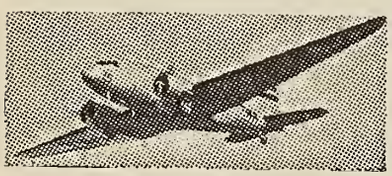
Kilroe to Sail On Copyright Study Abroad

Edwin P. Kilroe, representing the M.P.P.D.A. copyright committee, will sail on the *Normandie* tomorrow to make a survey of European sentiment in connection with the proposed amendment of the Berne Convention on international copyright, of which the United States may become a member in the near future.

Changes in the Convention will be considered at a meeting in Brussels next spring. Amendments with which the film and other American industries interested in copyright are concerned include those limiting the restrictions in the moral rights clause of the Berne Convention to give a producer the right to re-arrange, adapt and change stories and music, which is now denied.

Kilroe will obtain the views of representatives of the leading European members of the Convention on this and other changes. One, in accordance with American law, would make the producer of a film the author instead of accrediting authorship of this motion picture to many participating in its production, including the writer of the screen story.

As copyright adviser to 20th Century-Fox, Kilroe also will be concerned with two copyright cases involving the company which are in litigation in England and Holland, will take testimony in two other actions involving international copyright in London and Budapest and Paris.



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SHORTEST, FASTEST COAST-TO-COAST

Purely Personal

JOSEPH M. SCHENCK, 20th-Fox board chairman, is remaining in New York for a few additional days.

•

EDDIE DOWLING will play in "Our Town" at the Westchester Playhouse, Mt. Kisco, the week of July 17, replacing WALTER HAMPDEN who left for Hollywood last night to start work in "The Hunchback of Notre Dame" at RKO studio.

•

ED STREAMER of Randforce is a father and consequently MOE STREAMER of United Artists a grandfather. A girl, six pounds and 13 ounces, was born to MRS. ED STREAMER Saturday at the Madison Park Hospital, Brooklyn.

•

MAX GOMEZ, RKO manager in Mexico, and NED E. SOCKLER, home office representative for Cuba, have returned to their respective posts after a stay in New York for the company's sales convention.

•

HERMAN RIPPS, former salesman at the M-G-M Albany branch, has taken over his new post as New Jersey salesman, succeeding BEN ABNER. ABNER was recently appointed New Jersey branch manager.

•

MAURICE SCHWARTZ, Yiddish actor, has closed a deal with the Mayman Film Co., for production of a screen version of "Tevya," notable Yiddish stage play. SCHWARTZ will play the lead and direct.

•

FRANCIS FALKENBERG, manager of the Alabama in Birmingham, has returned to his post after six weeks in Florida, where he underwent an operation at the St. Francis Hospital, Miami.

•

MAX A. COHEN, E. K. O'SHEA, TOM CONNORS, ED SAUNDERS, LEE SHUBERT, JOHN SULLIVAN lunching at Nick's Hunting Room in the Astor yesterday.

•

LOUIS CHATAIN, member of the board of directors of the M-G-M French company, is due today on the *Clipper* from Europe for a vacation.

•

CASEY ROBINSON, Warner writer, and his wife, arrived in New York yesterday on the *Normandie* following a European vacation.

•

MAX MILDER, Warner managing director for Britain, will arrive in New York next week for a home office visit.

•

JOHN HAY WHITNEY has arrived on the coast for a look at footage on DAVID O. SELZNICK's "Gone With the Wind."

•

SADIE MADDEN, chief telephone operator of Quigley Publications, has left for a two-week vacation.

•

JULES E. BRULATOUR and his wife, HOPE HAMPTON, have arrived on the coast for a business visit.

•

HARRY REINERS is in Asbury Park working on the "Bachelor Mother" premiere.

•

JACK LEWIS of RKO's publicity department is vacationing in Los Angeles.

MAURICE RUBIN, president of the Associated Press Theatre Owners of Indiana, and operator of four houses here, broke his ankle while playing baseball.

•

WILLIAM C. GEHRING, central division sales manager for 20th Century-Fox, left for Chicago yesterday to attend an S. R. KENT sales drive meeting and confer on a booking deal with Balaban & Katz. He will return early next week.

•

SIR ROBERT VANSITTART, chief diplomatic adviser to the British Government, has been signed by ALEXANDER KORDA (United Artists) to write the lyrics and dialogue for the new color feature, "Thief of Bagdad."

•

EARL WINGART of the publicity department of 20th Century-Fox, returned to his desk yesterday from a vacation spent on Long Island.

•

ROGER GARRETT, organist at Loew's Ohio, Columbus, is in New York on his first vacation in several years.

•

BERT LAHR is in New York from the coast for a visit.

S. A. G. Will Force Talent Agent Issue

Matter of licensing talent agents will be disposed of by agreement within a month on the Coast or no agreement will ever be reached, Kenneth Thomson, executive secretary of Screen Actors Guild, declared yesterday. Thomson is in town for the trial of charges against the American Federation of Actors.

The Guild is conducting negotiations with the agents for an agreement under which actors will be permitted to use accredited agents only. If no agreement is reached within a month a showdown will be necessary and the Guild is prepared to fight the issue to a finish, Thomson said.

Bergman Returns From Studio Trip

Maurice Bergman, Columbia advertising and publicity director, returned to New York from the coast yesterday after two weeks spent looking over new product at the studio. He viewed considerable footage on "Golden Boy" and Frank Capra's "Mr. Smith Goes to Washington," both of which are nearing completion, for the purpose of planning campaigns on the two.

First National Surrender

ALBANY, July 10.—First National Pictures, Inc., has filed a surrender of authority to do business in New York State with the Secretary of State here.

Offices of Friedman, Bareford & Hazen, attorneys who filed the surrender, explained yesterday that Warners is dispensing with surplus corporations and that the move is routine. First National is a Maryland corporation and its corporate existence will be continued in the latter state.

Miss Pickford Returns Soon To Producing

Mary Pickford may become an active producer for United Artists release around the first of the year, in which event her first picture would be produced at the Denham studio in England, she reported yesterday on her arrival in New York on the *Normandie* following a European vacation.

Her first production probably would be "The Bat," which she owns.

Commenting on reports that she might produce "Dorothy Vernon of Haddon Hall," also owned by her, Miss Pickford said that because it would necessarily be a costly production she would not schedule it for her first. If made, she said it would be in color and added that she "visioned" Nelson Eddy and Jeanette MacDonald in the leading roles.

In reply to a question, Miss Pickford said there had been no recent discussion of the election of a president of United Artists. She said if the post were offered her she would decline it.

Miss Pickford was accompanied by her husband, Buddy Rogers, whom she reported Alexander Korda wanted for film work in England. She was met at the pier by Murray Silverstone, United Artists chief executive; Harry D. Buckley, vice-president, and Lynn Farnol, advertising and publicity director.

She will remain in New York until the end of the month when she plans to leave for the Coast to look over talent for her production venture.

Steffes to Balk New Minneapolis Term

MINNEAPOLIS, July 10.—Annual meeting of Northwest Allied will be held at the Nicollet Hotel here tomorrow. W. A. Steffes, retiring president, says he will refuse another term if one is proffered him.

Honor Wilkinson Today

NEW HAVEN, July 10.—More than 100 film men in this territory are expected at the testimonial luncheon tomorrow for George H. Wilkinson, Connecticut exhibition pioneer, at the Racebrook Country Club.

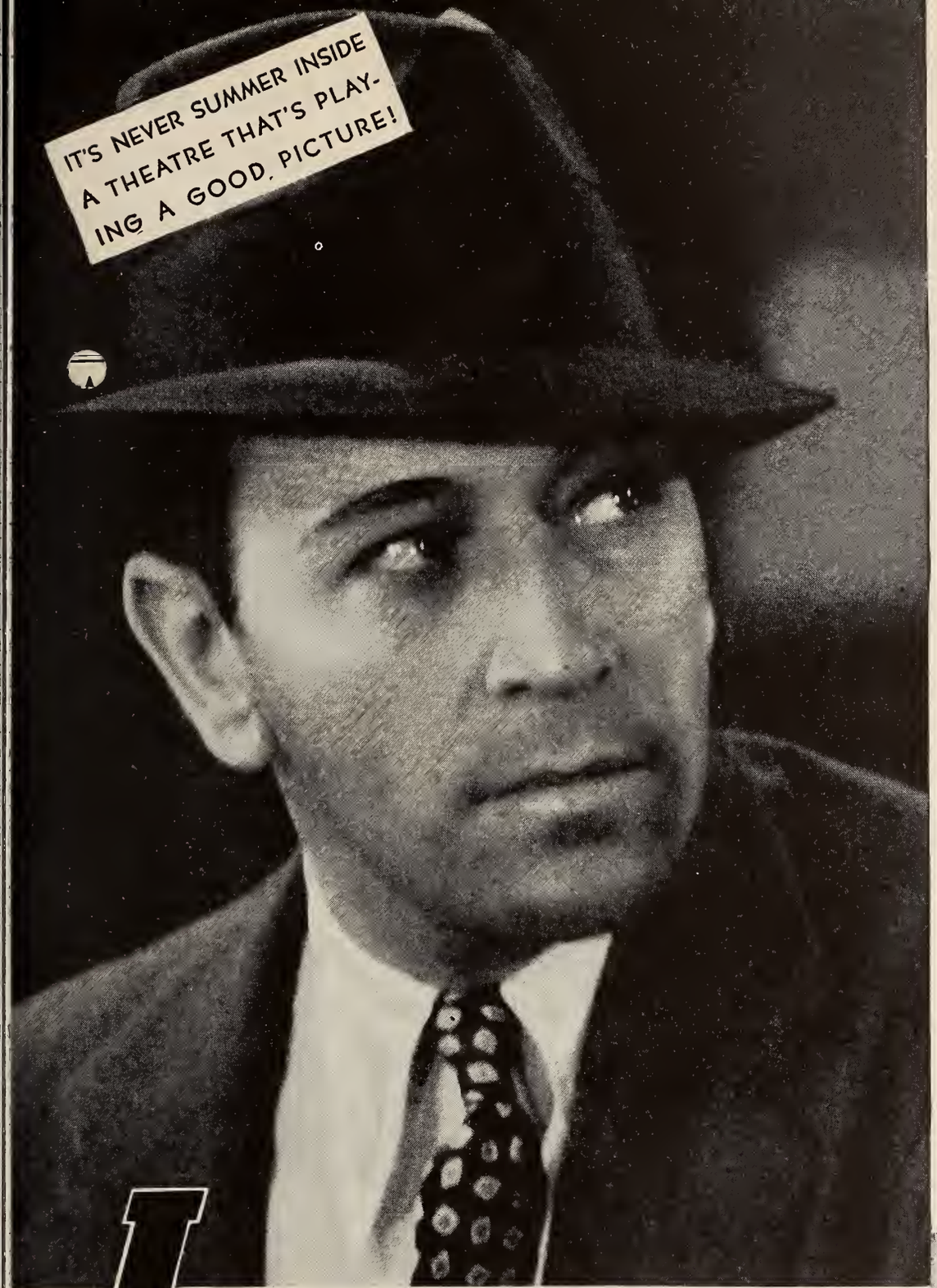
MOTION PICTURE DAILY

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HARD GUY!



He had a swell start. Born in the gutter, graduated to be a city savage! Life wore thin the way he lived it... his arms that reached for love embraced sudden death instead! **HE HAD TO BE HARD!**



THE NEW UNIVERSAL PRESENTS

"I STOLE A MILLION"

starring

GEORGE RAFT · CLAIRE TREVOR

with DICK FORAN • HENRY ARMETTA • VICTOR JORY



Released July 21st

'Chips' Smash Hit in Boston With $40,500

BOSTON, July 10.—"Goodbye, Mr. Chips," dualing with "Parents on Trial" at Loew's Orpheum and State, grossed a total of $40,500.

Estimated takings for the week ending July 5:

"Dodge City" (W. B.) (1 day)
"Adventures of Jane Arden" (W. B.) (1 day)
"They Made Her a Spy" (RKO) (1st run) (3 days)
"My Wife's Relatives" (Rep.) (2nd run) (3 days)
"Big Town Czar" (Univ.) (1st run) (3 days)
"The Girl from Mexico" (RKO) (1st run) (3 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c) Gross, $7,500. (Average, $7,500)
"The Sun Never Sets" (Univ.)
"Everybody's Baby" (20th-Fox)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross, $12,000. (Average, $13,500)
"Invitation to Happiness" (Para.)
"Undercover Doctor" (Para.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. 2nd run. Gross, $5,500. (Average, $7,000)
"Invitation to Happiness" (Para.)
"Undercover Doctor" (Para.)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. 2nd run. Gross: $4,000. (Average, $5,000)
"Man About Town" (Para.)
"Grand Jury Secrets" (Para.)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $13,500. (Average, $14,000)
"Goodbye, Mr. Chips" (M-G-M)
"Parents on Trial" (Col.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: $22,000. (Average, $14,000)
"Goodbye, Mr. Chips" (M-G-M)
"Parents on Trial" (Col.)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: $18,500. (Average, $10,600)
"Young Mr. Lincoln" 20th-Fox
"The Kid from Kokomo" (W. B.)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. 2nd run. Gross: $6,000. (Average, $5,000)

'Maisie' at $7,500 In New Haven Heat

NEW HAVEN, July 10.—Business was off in sweltering weather; the Loew-Poli with "Maisie" and "6,000 Enemies" took $7,500.

Estimated takings for the week ending July 7:

"Clouds Over Europe" (Col.)
"Boy Friend" (20th-Fox)
COLLEGE—(1,499) (25c-35c) 7 days. Gross: $1,600. (Average, $2,700)
"Maisie" (M-G-M)
"6,000 Enemies" (M-G-M)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $7,500. (Average, $8,000)
"Stolen Life" (Para.)
"Code of the Streets" (Univ.)
PARAMOUNT—(2,348) (35c-50c) 5 days. (holdover). Gross: $2.000. (Average, $4,000)
"Five Came Back" (RKO)
"Naughty But Nice" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 6 days. Gross: $2,900. (Average, $4,700)

Auto Film 'Theatre' Open in Birmingham

BIRMINGHAM, Ala., July 10.—Birmingham's newest form of amusement began when the Auto-Movies Amusement Co. had its first showing of outdoor films on the Birmingham-Bessemer super-highway.

Motorists drive their cars into the theatre, where attendants guide patrons, still seated in their machines, to individual parking stalls. Loud speakers are placed in each automobile, enabling patrons to hear the actors' voices distinctly. The theatre area will accommodate from 75 to 100 cars.

Hollywood In Brief

HOLLYWOOD, July 10.—Paramount has acquired JOSEPH CONRAD'S "Victory" and assigned MARC CONNELLY to reduce it to screenplay form. . . . Warner Brothers has bought film rights to GEORGE BROADHURST'S memorable stage play, "The Man of the Hour," as a vehicle for EDWARD G. ROBINSON. . . . "Legion of the Lawless," an original by BERNE GILER, has been purchased by RKO for use of GEORGE O'BRIEN.

Contracts—HANS DREIER, with Paramount since 1923 and art director since 1932, has signed a new long term contract to continue in that capacity. . . . LEO GORCEY and JANE GILBERT have new acting contracts with Warners. . . . RKO has engaged JOHN CROMWELL to direct "Memory of Love," a big one. . . . EDDIE BUZZELL has signed a new directing contract with M-G-M. . . . HARRY SHERMAN has given LESLEY SELANDER a one-picture deal to direct "Medicine Man."

Scriveners—BARBARA WORTH and BERNARD STRAUB have joined the M-G-M writing battalion. . . . GARNETT WESTON will adapt "Emergency Squad" for Paramount. . . . Warners has assigned Jo PAGANO to write "The Patent Leather Kid" for GEORGE RAFT and SIG HERZIG to do "Freedom of the Press."

Players—HENRY KOLKER draws a nice part in Selnick's "Intermezzo." . . . LUMSDEN HARE is a late addition to M-G-M's "Northwest Passage" cast. . . . RKO is enthusiastic about signing BRUCE CABOT for "Allegheny Frontier." . . . BELA LUGOSI sounds about right for the Russian commissar in M-G-M's "Ninotchka." . . . EDWARD GARGAN will give character color to Paramount's comedy, "$1,000 a Touchdown." . . . RICHARD CARLSON moves from M-G-M's "These Glamour Girls" into the same company's "Dancing Co-Ed." . . . DICK PURCELL and SHEILA DARCY will be seen with FRANKIE DARRO in Monogram's "Irish Luck." . . . BURGESS MEREDITH is doing a welcome return to Hollywood to play opposite JOHN GARFIELD, PAT O'BRIEN, ANN SHERIDAN and associates in Warners' "20,000 Years in Sing Sing." . . . WILFRED LAWSON, memorably among those present in "Pygmalion," is here to work in RKO's "Allegheny Frontier." . . . GEORGE MEEKER does what is termed a "romantic heavy" in "Everything's on Ice," the Sol Lesser picture which features diminutive IRENE DARE.

Title Trouble—HARRY SHERMAN'S "Double Dyed Deceiver" has been rechristened "The Llano Kid."

'Five' Does $4,000 In Cleveland Lull

CLEVELAND, July 10.—"Five Came Back," with $4,000 at the Allen, took top place and was the only first run to reach average. "Good Girls Go to Paris" at Warners' Hippodrome was good for $9,000. The weather was hot.

Estimated takings for the week ending July 7:

"Five Came Back" (R-K-O)
ALLEN—(3,000) (30c-35c-42c) 7 days. Gross: $4,000. (Average, $4,000)
"Good Girls Go to Paris" (Col.)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $9,000. (Average, $10,000)
"The Sun Never Sets" (Univ.)
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $6,000. (Average, $8,000)
"Tarzan Finds a Son" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $9,000. (Average, $10,000)
"Captain Fury" (U. A.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. 2nd week. Gross: $4,000. (Average, $5,000)

FP Canadian Meet 'Showmanship Show'

TORONTO, July 10.—A feature of the annual managers' convention of Famous Players Canadian Corp., at the General Brock Hotel, Niagara Falls, July 24-27, will be a "Show of Showmanship" which will comprise standard-size displays on new season product by all of the major distributing companies and exhibits of new theatre equipment by supply firms.

Important officials of producing companies in the United States are expected to be convention guests and will take part in the program of luncheons and banquets. A sports day in which managers from all parts of the Dominion will participate is being arranged by J. A. Troyer of Famous Players' home office, who is chairman of the convention sports committee.

'Imperial' $5,500 Leads Pittsburgh

PITTSBURGH, July 10.—"Hotel Imperial" at the Warner took $5,500, while "Goodbye, Mr. Chips" drew $14,000 in its second week at Loew's Penn.

Estimated takings for the week ending July 6:

"Susannah of the Mounties" (20th-Fox)
ALVIN—(1,900) (25c-35c-50c) 7 days. Gross: $6,500. (Average, $7,000)
"Goodbye, Mr. Chips" (M-G-M)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days, 2nd week. Gross: $14,000. (Average, $15,000)
"Tarzan Finds a Son" (M-G-M)
STANLEY—(3,600) (25c-35c-50c) 7 days. Gross: $11,000. (Average, with stage show, $17,000)
"Hotel Imperial" (Para.)
WARNER—(2,000) (25c-40c) 7 days. Gross: $5,500. (Average, $4,500)

Itinerant Shows Hit By Rome, N. Y., Bill

ROME, N. Y., July 10.—Supported by exhibitors, a so-called "model ordinance" prohibiting circuses, carnivals and itinerant shows from exhibiting in the city has been introduced in Common Council and reported out by committee. Mayor E. H. Ethridge had several complaints against circuses and traveling shows recently.

Circus and wild west shows, under the new ordinance, would have to submit applications in writing for licenses, circus and wild west shows paying $75 daily; dog and pony shows, $10; curiosity shows, $5. Violations would range in fines from $10 to $50 and gambling and obscene shows are taboo.

Mentone Dissolved

ALBANY, July 10.—Mentone Productions, Inc. (Milton E. Schwartzwald), which formerly produced short subjects for Universal has filed a certificate of dissolution with the Secretary of State here.

Cole, Brandt Go To Capital Next Week

WASHINGTON, July 10.—Arrangements have been made by Department of Commerce officials for a conference with representatives of National Allied on July 19, winding up a series of meetings with exhibitors, which brought Ed. Kuykendall of the M.P.T.O.A. to Washington last month and will bring Harry Brandt of the I.T.O.A. on July 18.

It is expected that Col. H. A. Cole, Allied president, and Abram F. Myers, general counsel, will attend the department conference, accompanied possibly by other officers of the organization.

Major subjects of consideration, it is understood, will be the effect of block booking on small exhibitors, cancellations and whether exhibitors have been forced out of business by distributor practices. These are three of a number of subjects on which the distributors are compiling information for the department, as requested at the initial meeting on June 8.

New Code Revision Meetings Started

Discussion of proposed changes in the arbitration provisions of the industry trade practice code was begun yesterday by sales managers meeting with William F. Rodgers, chairman of the distributors' negotiating committee, and will continue at a second meeting scheduled for tomorrow.

Problems in the way of making the code effective were discussed also.

Rodgers declined to comment on the distributor committee's reaction to New York Allied's request for separate negotiations on the code on behalf of members of the state organization. He said that while he knew the New York unit had appointed a committee to continue negotiations, he had not read the statement issued by Max Cohen, New York Allied head, and preferred not to comment for that reason.

Capra-Riskin Team Likely to Join U. A.

(*Continued from page* 1)

bulwark of Columbia for a decade.

In collaboration with Riskin as writer, he has finished "Mr. Smith Goes to Washington" for Columbia and will take a vacation in the High Sierras following the cutting of the film before returning to Hollywood to launch his own enterprise.

Riskin who recently resigned from Samuel Goldwyn Productions where he served as associate producer of the Heifetz film, "They Shall Have Music," leaves Hollywood tomorrow for New York, London, Sweden and Norway prior to starting his new partnership with Capra.

Form Television Firm

ALBANY, July 10.—Ford Marine Telephone and Television Corp. has been licensed to engage in business with $10,000 authorized stock. Directors are Gerald W. Ford, New Rochelle, N. Y.; H. Wallace Capron, West Barrington, R. I., and Edward Maxwell, Greenwich, Conn.

45 Pictures Keep Studio Staffs Busy

HOLLYWOOD, July 10.—Forty-five pictures were in work this week as 13 finished and seven started. Eighteen are being prepared, and 70 are in the cutting rooms.

Started were: "Men of the Frontier," Monogram; "Flight at Midnight," Republic; "City in Darkness," 20th Century-Fox; "First Love," Universal; "The World Moves On," "We Are Not Alone," "20,000 Years in Sing Sing," Warners.

In addition to these shooting were: "Five Little Peppers and How They Grew," "The Man They Could Not Hang," Columbia; "The Real Glory," Goldwyn; "Thunder Afloat," "Balalaika," "Day at the Circus," "Ninotchka," "Blackmail," M-G-M; "Ruler of the Seas," "Are Husbands Necessary?" "$1,000 a Touchdown," "Death of a Champion," "Dr. Cyclops," "The Light That Failed," "Our Neighbors, the Carters," "Seventeen," Paramount; "Everything's on Ice," Principal; "Full Confession," "Conspiracy," "The Day the Bookies Wept," RKO; "Dick Tracy and His G-Men," "Mob Fury," Republic; "The Housekeeper's Daughter," Roach; "Gone With the Wind," "Intermezzo," Selznick International; "Here I Am, a Stranger," "Hollywood Cavalcade," "The Adventures of Sherlock Holmes," "Frontier Marshal," "Tin Hats," "Drums Along the Mohawk," 20th Century-Fox; "The Underpup," "Modern Cinderella," "They Can't Hang Me," Universal; "Eternally Yours," Wanger; Career Man," "On Your Toes," "Queen Money," Warners.

Finished were: "Mr. Smith Goes to Washington," Columbia; "The Women," "These Glamour Girls," M-G-M; "The Girl from Rio," Monogram; "Argentina," Paramount; "In Old Monterey," "Raiders of the Wasteland," Republic; "I Stole a Million," "Unexpected Father," "Hawaiian Nights," Universal; "The Lady and the Knight," "The Return of Dr. X," "Dead End Kids in Military School," Warners.

Wisconsin Town Bans Bank Night

ELKHORN, Wis., July 10.—The City Council has adopted an ordinance which bars all types of gambling and lottery games and specifically names Bank Night.

The ordinance is "for the protection and promotion of public morals and regulation of trade practices, within the city and it is hereby declared that all devices, constructions, schemes and contrivances covered by the terms of this ordinance have a tendency to demoralize the youth and other citizens of the city."

Violators are subject to fines of from $10 to $50 or from three to 30 days in jail.

Keeley Publicity Chief

Joe C. Keeley has been appointed director of the publicity department of the J. M. Mathes agency. Keeley has been with the agency for the past year, and previously was with the N. W. Ayer agency.

Insider's Outlook

By SAM SHAIN

IT'S a half holiday today for home office executives and others who may be privileged to get away to spend the afternoon at the All Stars baseball game at the Yankee Stadium. A substantial number of the bigwigs will be there.

YESTERDAY we enjoyed a visit from a friend of many years' standing—Charlie Kurzman of Pittsburgh. Kurzman now manages Loew's Penn Theatre in that city. He is the first "outsider" employed by Loew's in 12 years. That is certainly a distinction of which Kurzman can be proud. Charlie is the same affable, energetic, smiling person we knew when he operated the Roxy Theatre here, and was district manager for the old Fox Theatres company in Brooklyn.

HOLLYWOOD reports the shooting by Metro of a fashion show sequence in color for "The Women," and which we understand will form the basis of a national exploitation campaign. This is new and apparently the studio is planning a surprise for exhibitors, as this color sequence was not announced hithertofore.

OUR weekend was spent at Fire Island, with the Al Margolies, a no more charming couple than it is our pleasure to know. Al, as you know, is publicity director of United Artists. With their two kiddies, Linda and Stephen, we enjoyed two delightfully interesting days at the shore.

There also we met the Herman Wexlers and Gub Garfield, husband of Evelyn Gerstein who is now on the road for the Samuel Goldwyn film, "They Shall Have Music."

TODAY Lynn Farnol, for United Artists, is host at a cocktail party to James Roosevelt, at which function, is it presumed, Roosevelt will announce the appointment of Fred Storm as head of the Samuel Goldwyn publicity division, on the coast.

IT can't happen here—but in Mexico. Jim Lockhart reports that labor organizations still censor broadcasting despite strong efforts by station operators to stop them.

The way it is done down there is to have the orchestras during a broadcast deliberately drown out remarks of commentators, whom the laborites do not like, by playing blaring music.

YESTERDAY, in MOTION PICTURE DAILY, there was an advertisemen from the organized exhibitors of Connecticut. An impressive fact about the advertisement is the showmanship sense of the advertisers in saying what they had to say through paid copy in *a trade paper*.

At a time when the exhibitor seems to be drifting away, it is worth calling attention of the distributors to the manner in which showmen make their *say-so*.

Florida Houses Sign With Trades Council

PENSACOLA, FLA., July 10.—Agreement entered into by the building and construction trades council of Pensacola and two independent theatres has been hailed by labor leaders as a step forward in clearing the muddled situation existing between theatres and the council.

Marion D. Lambert, president of the council, said his organizations had signed agreements with Clinton Vucovitch, operator of the Gulf and Belmont theatres in West Florida. Under the agreement, the council is to remove these theatres from its "we do not patronize" list and the theatres are to hire no employes not affiliated with the council. This agreement does not affect projectionists.

Bair's Son Killed

INDIANAPOLIS, July 10.—William Roland Bair, 18, son of R. R. Bair, secretary of Olson Enterprises and former head of the Bair circuit here, was killed Sunday in an automobile collision near Petoskey, Mich. The young man was vacationing with his parents at their summer home in Bay View, Mich.

Settle Plagiarism Suit

Suit against 20th Century-Fox Film Corp. brought in the U. S. District Court by Morgan Wallace and Lawrence Shubert Lawrence was settled yesterday for an undisclosed amount. Plagiarism of the plaintiff's play, "Congratulations," by the picture, "Thanks a Million," was charged.

'Town' Clears Good $8,900, Seattle's Best

SEATTLE, July 10.—"Man About Town" and "You Can't Get Away with Murder" led with a strong $8,900 at the Paramount.

Estimated takings for the week ending July 7:

"Maisie" (M-G-M)
"6,000 Enemies" (M-G-M)
BLUE MOUSE—(950) (30c-40c-55c) 7 days. 2nd week. Gross: $2,800. (Average, $4,000)
"Invitation to Happiness" (Para.)
"Never Say Die" (Para.)
FIFTH AVENUE—(2,500) (25c-30c-40c-55c) 5 days. 2nd week. Gross: $5,600. (Average, $7,000)
"Good Girls Go To Paris" (Col.)
"Outside These Walls" (Col.)
LIBERTY—(1,800) (25c-30c-40c-55c) 7 days. Gross: $7,800. (Average, $5,000)
"Goodbye, Mr. Chips" (M-G-M)
MUSIC BOX—(950) (25c-30c-40c-55c) 7 days. Gross: $7,200. (Average, $5,000)
"Susannah of the Mounties" (20th-Fox)
"They Made Her A Spy" (RKO)
ORPHEUM—(2,450) (25c-30c-40c) 7 days. Gross: $5,100. (Average, $6,000)
"Streets of New York" (Mono.)
PALOMAR—(1,500) (15c-25c-30c-40c) 7 days. Vaudeville headed by Seven Cressonians. Gross: $5,000. (Average, $5,000)
"Man About Town" (Para.)
"You Can't Get Away With Murder" (W. B.)
PARAMOUNT—(3,050) (25c-30c-40c) 7 days. Gross: $8,900. (Average, $6,000)

'About Town' High In Omaha, $10,100

OMAHA, July 10.—"Man About Town" and "Adventures of Jane Arden" took a smash $10,100 at the Omaha.

Estimated takings for the week ending July 5-6:

"Good Girls Go to Paris" (Col.)
"Parents on Trial" (Col.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $4,700. (Average, $4,000)
"Man About Town" (Para.)
"Adventures of Jane Arden" (W. B.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $10,100. (Average, $6,000)
"Never Say Die" (Para.)
ORPHEUM—(3,000) (35c-55c) Stage: Ella Logan and all-girl review. 7 days. Gross: $13,300. (Average, $14,000)

Maryverne Jones Ill

Stuart Fox and Starr West are sharing directorial assignments at the Starlight Theatre, Pawling, N. Y., in the absence of Maryverne Jones, managing director, who is in the Danbury Hospital recuperating from an operation.

Designed and priced for theatres of every size!

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MAGIC VOICE of the SCREEN

with Rotary Stabilizer—plus SHOCK-PROOF DRIVE

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Better sound means better box office—and RCA Tubes mean better sound

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PHOTOPHONE RCA HIGH FIDELITY SOUND

Theatre, Personnel Brevities

Plan House in Iowa

BURLINGTON, Ia., July 10.—Central States Theatre Corp. plan a $40,000, 700-seat theatre here, according to Harry M. Warren, general manager of the circuit.

Close Hartford Theatre

HARTFORD, Conn., July 10.—Harris Brothers have closed the 4,000-seat State, except for weekend operation, for the summer. The house was open during last summer.

Exton Takes Wis. House

KENOSHA, Wis., July 10.—William Exton, recently resigned as manager of the Kenosha and Gateway here, has leased the local Roosevelt from Charles Collins, who has operated the house for several years. Exton will remodel the house and expects to reopen it July 15.

To Reopen in Texas

NACOGDOCHES, Tex., July 10.—The Rita here will be reopened shortly by Donn Abshier, district manager for East Texas Theatres.

Plan Lubbock, Tex., House

LUBBOCK, Tex., July 10.—Lindsey Theatres, Inc., plan a new $100,000 theatre here, with work scheduled to start shortly.

Manages Texas Theatre

SAN ANTONIO, Tex., July 10.—Joseph Mills of Freer, Tex., has replaced Al Lavender, who resigned as manager of the Rita, Chamberlain Theatres house, in Benavides, Tex.

Theatre Name Changed

BUSSEY, Ia., July 10.—The name of the Bussey theatre here has been changed to Rayola, a combination of the first names of the owners, Mr. and Mrs. Ray Baltzley. Mrs. Baltzley's name is Lola.

Florida Theatres to Build

PALM BEACH, Fla., July 10.—Florida Theatres, Inc., plan a new $75,000, 1,000-seat house at Lake Worth, near here. Construction will start shortly.

Manages Danz House

SEATTLE, July 10.—Frank Jenkins has been named manager of the Arabian suburban house operated by the John Danz Sterling circuit. He was formerly manager of the Montlake, foreign film house, which closed for the summer last month.

Change Theatre Name

CHIPLEY, Fla., July 10.—The Reva formerly known as the Manavista, has reopened here after remodeling.

Plans Negro House

PAHOKEE, Fla., July 10.—A permit for the erection of Negro theatre has been issued to Louis Gold.

Close Union Agreement

WISCONSIN RAPIDS, Wis., July 10.—Two men in a booth, a closed shop and an upward adjustment in wage scales is provided for in a new contract signed by Mr. and Mrs. Frank Eckardt, operators of the Wisconsin, Palace and Rapids here, with the local projectionists union. The agreement runs until Sept. 1, 1940.

Using "Bargain Nights"

PONTA GORDA, Fla., July 10.—A series of "bargain nights" are held Thursday and Friday during the summer at the New theatre here.

Ohio House Closed

WHITEHOUSE, July 10.—The Empress, operated by F. J. Sipher, has closed for the rest of the summer.

Inaugurate Summer Policy

STUART, Fla., July 10.—The Lyric here is operating on summer schedule. Matinees are held Saturday and Sunday only. On the other days in the week the theatre will open at 6:30 P. M. and run until 11 o'clock.

Heads Cleveland Exchange

CLEVELAND, July 10.—Sam A. Gerson, for seven years salesman with the local Columbia exchange, has been appointed manager of the Cleveland office of Big Feature Rights Exchanges, Inc., owned by Lee Goldberg of Cincinnati. Gerson succeeds Carl Scheuch, resigned.

Huot Joins Republic

SEATTLE, July 10.—Arthur H. Huot, former exchange executive in this territory and more recently connected in the film business in California, has returned and joined the local Republic exchange in a sales capacity.

Hollywood Preview

"News Is Made at Night"

(*Twentieth Century-Fox*)

HOLLYWOOD, July 10.—There's a lot of audience entertainment value as well as showmanship availability in this exciting yet comic newspaper-crime-busting story. While the theme follows a well blazed trail, enough novelty and surprise twists are woven into the plot to generate attention at the start and hold interest to the finish. In line with the present trend in secondary picture production, "News Is Made at Night" frequently shows evidence of tendencies to disregard conventional photoplay construction and do something different now and then.

The fact that it kept the preview audience alternately laughing boisterously and sitting on chair edges is a tribute to the quality of John Larkin's original screenplay, Alfred Werker's out-of-the-groove directing technique and the manner in which Preston Foster, Lynn Bari, Russell Gleason, George Barbier, Minor Watson, Eddie Collins and the support players made their characterizations natural and believable.

Providing sensational circulation building news stories is not the least of editor Foster's worries. Keeping ambitious girl reporter Miss Bari, who is determined to work for him, off the payroll gives him more trouble than he bargained for. Meanwhile Foster, convinced that Paul Guilfoyle, who has been sentenced to death, is innocent, encounters a series of funny and exciting adventures with Miss Bari, who always seems to be a step ahead of him. Eventually, through underworld tips and situations in which he and the girl find themselves, Foster's suspicions concentrate on Watson, his best friend. But it's Miss Bari who gets the evidence on Watson and Foster has to rescue her from peril before he nabs the real killer and saves the condemned Guilfoyle.

Running time, 70 minutes. "G."* G. McC.

"Million Dollar Legs"

(*Paramount*)

HOLLYWOOD, July 10.—"Million Dollar Legs" is a collegiate comedy that doesn't have anything at all to do with legs, but is the kind of spontaneously amusing picture that sometimes results when writers, producer and director throw away the book of rules and a youthful cast enters into the spirit of things with frolicsome enthusiasm.

As the picture unfolds, it is easy to believe that producer William Thomas gathered director Nick Grinde and writers Lewis R. Foster and Richard English about him and said, "We'll not only fool and surprise 'em with this title, but we'll startle 'em with lots of other unexpected things." How well they succeeded is evidenced by the fact that Peter Hayes, who bats seventh in the cast lineup, is really the show's star. Then, when a lot of sure-fire, nonsensical make-them-laugh gags, including the foundering of a racing shell, are run through, a horse race is introduced into the whirlwind action and finally, after the basketball conscious college is made crew minded, deposed coxwain Hayes directs his clumsy oarsmen to victory via a traveling loud-speaker system.

Given farce material with which to work, "Million Dollar Legs" not only uncovers Hayes as a potentially popular personality, but permits such youngsters as Betty Grable, John Hartley, Jackie Coogan, Donald O'Connor, Dorothea Kent, Joyce Matthews, Richard Dennings, Phillip Warren, Ed Arnold, Jr., and William Tracy to act as young collegiates would when restrictions are not too tight, and their elders, Larry Crabbe, Thurston Hall and Roy Gordon, to be just as surprised at their antics as normal adults who watch the show undoubtedly will be.

Running time, 65 minutes. "G."* G. McC.

*"G" denotes general classification.

Short Subject Reviews

"Ghosts Is the Bunk"

(*Paramount*)

Popeye and Olive say they are not afraid of ghosts and that is Bluto a great idea. He sneaks into a nearby deserted hotel and after making suitable preparations decoys Popeye and Olive into the place. He proceeds to scare the daylights out of the unbelievers, but is discovered. The tables are then turned, with Bluto finally becoming convinced that the house is really haunted. 7 minutes.

"Farewell Vienna"

(*Paramount*)

While the charms of the city of Vienna are flashed on the screen, the sound track occupies itself with renditions of beautiful Viennese music as played by the National Philharmonic Orchestra of the United States under the baton of Frederick Feher. 10 minutes.

"Unusual Occupations"

(*Paramount*)

Patrons should find this release an enjoyable one. In color, and with narration of high calibre, the reel discloses a country doctor who travels to his patients by plane; a man who makes his living designing the grotesque balloons that float in the air during street parades; an armless Mexican basket weaver; an artist who sews portraits with needle and thread; a Hawaiian boy who polishes toe nails. 10 minutes.

"Rhythm on the Reservation"

(*Paramount*)

Betty Boop in swing style. Betty, with a collection of band instruments in her trailer, stops off at an Indian reservation to purchase some trinkets, and the braves steal the instruments. The bass fiddle is used as a canoe, the slide trombone becomes a water pump and the accordion is turned into a bellows. The braves finally are straightened out by Betty whereupon they "swing out." 7 minutes.

"The Barnyard Brat"

(*Paramount*)

The brat is Spunky, baby mule, who raises havoc in the barnyard by frightening and bullying the livestock on the farm. The chickens, cows, pigs and other beasts stand as much as they can take, then they turn upon Spunky and give him a dose of his own medicine. 7 minutes.

"Watch Your Step"

(*Paramount*)

In this Grantland Rice "Sportlight" there is an analysis of the walking and running strides of human beings and animals, with the closeups always focused on feet. It manages to be surprisingly entertaining despite this limitation. Some of the subjects are an old man, a youngster, various track athletes, dogs, cats, whippets, a giant hippo, etc. 10 minutes.

Three Mexico Studios Close; Blame Unions

MEXICO CITY, July 10.—About 5,000 persons, ranging in occupation from artists to laborers, all of them dependent upon the domestic film production industry for a living, are in a serious economic plight following the closing of three of the four studios here.

The studios were closed by the producers until union workers agree to more reasonable salaries and working conditions.

Labor interests attribute the difficulty to the shutting off of credits in Central America to Mexican producers, as well as the virtual impossibility of Mexican producers raising money in Mexico. The loss of much South American business is also blamed.

Workers plan a meeting tomorrow in an effort to solve the problem.

Cardenas Offers Aid On 'Cortez' Picture

HOLLYWOOD, July 10.—President Lazaro Cardenas of Mexico yesterday in Tia Juana promised the full cooperation of the Mexican Government to Miguel C. Torres, producer, for the production of "Cortez and Montezuma," to be made in both Spanish and English.

The Spanish version will be financed by the National Bank of Mexico, and the deal for the English version is now being worked out with a major studio here. Cardenas, according to Torres, will permit Hollywood equipment and technicians to go to Mexico for the work, and allow the army, Mexican Youth Association and the National Museum to participate in the production of the film.

Ralph Doyle Leaves After RKO Visit Here

Ralph R. Doyle, managing director for RKO in Australia, left New York for Los Angeles yesterday on the Century Flyer en route to his headquarters in Sydney. He was in town for the convention. Following conferences with studio officials, Doyle will sail from the coast July 19 on the *Monterey*.

A son, Ralph, Jr., was born to Mrs. Doyle June 25.

Theatre In Mexico 50 Ft. Underground

México City, July 10.—Mexico's first subterranean film theatre, the Cine Victoria, has been opened in Jalapa, capital of Vera Cruz State. The theatre is 50 feet underground. The exhibitor figures that what with bomb hideouts coming into fashion, the modern trend is for subterranean theatres.

The Jalapa public apparently likes the novelty.

Hollywood Previews

"Andy Hardy Gets Spring Fever"

(M-G-M)

HOLLYWOOD, July 10.—Hollywood's greatest contribution to Americana—the Hardy Family series—comes to the screen again in "Andy Hardy Gets Spring Fever," a picture so wrought that it will be acclaimed as the best of the series—a designation which will have the effect of calling the film better than perfect. Continuing on the same high plane of wholesome entertainment of its predecessors, "Andy Hardy Gets Spring Fever" tells the story of Andy's first quasi-romantic mood over a woman older than himself.

It is an excruciatingly faithful reproduction of the growing pains of a young boy and in the title role, Mickey Rooney does a most competent job. With him are the "Hardy Family" members, Lewis Stone, Cecilia Parker, Fay Holden and Sara Haden. Others in the cast include Ann Rutherford, again as "Polly Benedict," Helen Gilbert, John T. Murray, Terry Kilburn and George Breakston. Miss Gilbert, in her first screen role, makes a sensational debut as the pretty school teacher with whom "Andy" imagines himself in love. "Discovered" while playing in an M-G-M recording orchestra, Miss Gilbert, judging from a highly polished performance in this, bids fair to become one of the most promising of newer film players.

The versatile W. S. Van Dyke II directed the poignant screenplay by Kay Van Riper, based on characters created by Aurania Rouverol.

In situations which have their counterparts in the lives of millions of Americans, "Andy Hardy," spurned by "Polly," turns to other things. He becomes enamoured of a pretty dramatics class teacher, and with this inspiration writes the class play. He plays the leading role in it, opposite "Polly" and during the play's presentation, discovers that the teacher has another "love." A reconciliation with "Polly" is effected, and "Andy," realizing fully that "today he is a man," is his old self again.

Running time, 87 minutes. "G."* VANCE KING

**"G" denotes general classification.*

"They Shall Have Music"

[Samuel Goldwyn—United Artists]

(Continued from page 1)

alone is likely to stampede the population to the ticket wicket. That, Ladies and Gentlemen, is Showmanship.

To these players, for subordinating their personal interests to that of the picture, to associate producer Robert Riskin for managing to fabricate a coherent production without sacrificing the music which inspired it, to screen playwrights Irmgard Von Cube and John Howard Lawson for concocting a series of independently arresting incidents which seem to equal a story, and to director Archie Mayo for keeping the whole synthesized project on the track, the music conscious peoples of the globe owe a substantial debt. And to Goldwyn, who got all these people to do all these things necessary to bring Heifetz within reach of the general public, all honor.

Naturally, the Heifetz music is the *piece de resistance* of the picture. Properly, there is much of it, superbly recorded, and much superb photography showing Heifetz playing it, with a symphony orchestra, with a children's symphony, and alone. Eleven musical numbers are programed. But Heifetz does not monopolize musical attention. The Peter Meremblum California Junior Symphony Orchestra, a little girl named Jaqueline Nash who sings with it and a child pianist named Mary Ruth have important sequences all their own.

The story is about a music school for poor children, financial troubles which threaten its future and the ways and means by which Heifetz, as himself, is moved to personally sponsor the project. The telling is in the main humorous.

Running time, 120 minutes. "G."* ROSCOE WILLIAMS

New Film and Theatre Companies Formed

ALBANY, July 10.—Film and theatre companies recently incorporated here include: Victory Theatre and Amusement Corp., Lackawanna, N. Y., by Oscar, Harris and Freda Williams; Sulsol Films, Inc., by Samuel Lent, Myron Slater and Lillian Schorr, New York; Dutchess Amusement Operators, Inc., by Max and Benjamin Ginsberg, Beacon, N. Y., and James J. Thompson, Elizabeth, N. J., and DeMarco Corp., by Jack Nonnenbacher, Leon Kellman and G. Caplan, New York.

4A's Violated AFL Charter, AFA Charges

(Continued from page 1)

A.F.A. against its parent union in this battle of allegations, many of them being similar to those which the A.F.A. itself was required to answer. Principal charge was that Actors Equity dominated the 4-A's and influenced the naming of board delegates from Screen Actors Guild and American Federation of Radio Artists.

As to the S.A.G. charge, it was pointed out that this union received its charter on condition that it name board members satisfactory to Equity. Kenneth Thomson, S.A.G. executive secretary, declared at the trial in the morning, that the agreement under which this had been made necessary had been cancelled and that Equity had never, in the past, influenced the designations.

In connection with A.F.R.A., it was contended that when the Radio Artists borrowed funds from S.A.G., Equity and American Guild of Musical Artists, it was stipulated that A.F.R.A. delegates must be satisfactory to these three unions. Influencing of choice of A.F.R.A. delegates was denied by Emily Holt, executive secretary. Equity, S.A.G. and A.G.M.A. also entered denials.

High Salaries Charged

Additionally, charges were made that the 4-A's paid exorbitant salaries, refused to give financial statements, permitted Equity to collect half the dues paid by members of S.A.G., failed to respect democratic traditions, encouraged opposition groups within the A.F.A., failed to organize the acting profession and permitted Equity to dominate the 4-A board.

At the trial in the morning, Abraham J. Halprin, A.F.A. attorney, declared that Equity dominated the trial board and that the purpose of the trial was to distribute the A.F.A. membership to Equity and other 4-A branches. He challenged the jurisdiction of the board and stated that the matter would be taken up with Green or thrown into the courts.

Paul N. Turner, 4-A counsel, asserted that the explanation for withdrawal was a "sheer subterfuge" and pointed out that the A.F.A. had repeatedly ratified the action of delegates now under attack.

Reis Only Witness

Bernard J. Reis, accountant, was the only witness yesterday. He testified that funds received from benefit performances were not paid out as relief and that such funds were mingled with other funds of the union. He also testified that a $1,700 automobile was given to Ralph Whitehead, executive secretary, at a time when the union was compelled to draw upon the relief funds for general union purposes. The trial will be resumed at 11 A.M. today.

Members of the "Ferrets," A.F.A. opposition group asked for permission to re-organize the A.F.A. in the event the charges are sustained. Also they stated that an injunction would be sought if the A.F.A. sought to expend union funds for a court fight.

500 Broadcast Chiefs to Vote On Code Today

ATLANTIC CITY, July 10.—Action will be taken tomorrow on the proposed code covering standards of broadcasting at the 17th annual convention of the National Association of Broadcasters.

The code has been revised three times, and subjected to only one major change since it was prepared. The N.A.B. code committee acceded to tremendous pressure and removed a clause which would have prohibited radio stations from selling time for commercial religious broadcasts.

Code Hits Rev. Coughlin

The code committee went into session at 6 o'clock tonight to revise the code's language. The revisions follow complaints that the code as originally submitted is entirely too long and wordy.

The rule covering controversial subjects, one of the most important clauses in the code, may react unfavorably upon Father Charles E. Coughlin. The code bars all religious or racial attacks and speakers for a particular policy must "wait in line" to get their share of broadcasting time.

500 Attending Parley

There are almost 500 registrations at the convention. Stephen Early, secretary to President Roosevelt, will address the broadcasters tomorrow. Neville Miller, N.A.B. president, and Ed Spence, secretary-treasurer, will submit their reports.

Tomorrow afternoon Carl E. Milliken, secretary of the Motion Picture Producers and Distributors Association of America, will speak. The proposed code will then be submitted to the members in a closed session.

Unconfirmed reports have Mutual on the verge of a deal with L. B. Wilson, whereby Wilson's Cincinnati station WCKY, will join MBS.

Maxwell Offers New Booking Idea

(*Continued from page* 1)

the Gaumont British and Odeon circuits as they have never experienced before. It also would create an unparalleled market situation and give Maxwell unequaled powers to create a new trading situation with American distributors here.

It is expected the general council will receive the plan with mixed reactions. Obvious difficulties are pointed out, such as the possibility of similar schemes by other interests. However, general approval of the plan in principle is anticipated.

Radio Chiefs to London

MONTREAL, July 10.—Leonard W. Brockington, chairman, and Gladstone Murray, general manager of Canadian Broadcasting Corp., sailed today from Quebec on the *Empress of Britain* for two weeks of London conferences on Empire broadcasts with officials of the British Broadcasting Corp.

Offer in Canada Rejected By Clearance Reformers

TORONTO, July 10.—Prime movers here in the fight for clearance reform for Canadian independents, represented in the campaign of the Anti-Protection League of Canada, have rejected the suggestion that the time is ripe for a discussion of the whole protection situation and consideration of concrete grievances with a view to the adoption of basic terms for a reorganization of the system.

An offer was announced whereby the situation would be dealt with by the present Conciliation Committee in Toronto, four of whose 10 members are independent exhibitors with four representing circuits and two the distributors. This has been ignored and, in rebuttal, the claim is made no existing body of the film business in the Dominion is in a position to adopt and enforce any clearance amendments.

The independents ask for an independent and neutral board of arbitration which would put punch into its decisions. They claim that no organization in the Canadian trade can now do this—no board can take action without its personnel reporting back to its offices for confirmation of action, it is claimed.

First of all, the independents desire to become organized from coast to coast through the Anti-Protection League of Canada and already the Independent Theatres Association of Ontario, the British Columbia Independent Theatres Association, Manitoba Exhibitors Association and the Nova Scotia Independent Exhibitors Association are said to be behind the league, with the Quebec independents about to declare themselves. After complete organization, the league will call a conference to draw up a plan of action. Then, if headway cannot be made by arbitration, with the independents showing a solid front across Canada for the first time, the final step would be to depend upon a request for intervention by the Canadian government.

WB Planning Big Cost Films At Teddington

Warners may begin production of high budget pictures at the company's British studio at Teddington in a change of foreign production policy now under consideration, Hal Wallis, executive producer for Warners, said yesterday on his arrival in New York on the *Normandie*. Warners produce about 26 quota pictures a year in England.

Wallis conferred with Sam Sax, head of the company's British production activities, while in England. He was abroad nine weeks with his family, primarily for a vacation, and left for the Coast by train last night.

Wallis reported that "Confessions of a Nazi Spy" was doing exceptional business in France, England and several other European countries. The picture will wind up with a profit, he said, and has encouraged Warners in making a second picture of similar theme.

Herbert Wilcox arrived from a brief visit in England during which he arranged to produce "Bonnie Prince Charlie" in Scotland, beginning late in August. Anna Neagle, who met Wilcox at the pier, will be starred and RKO will distribute, he said.

He leaves for the Coast by train today to finish the music for his recently completed Hollywood picture, "Nurse Edith Cavell."

Wilcox was greeted at the pier by S. Barret McCormick, RKO advertising and publicity director, and William Bohnel, film editor of the *N. Y. World-Telegram*.

Arthur Hornblow, Paramount producer, arriving with his wife, Myrna Loy, M-G-M star, after a European vacation, said he had been impressed with the business which Warners' "Confessions of a Nazi Spy" is doing abroad.

Hornblow and Miss Loy leave for the Coast by plane today. She is scheduled to begin work in a new "Thin Man" picture tomorrow and Hornblow will finish cutting "The Cat and Canary" before starting his next picture, "Triumph Over Pain."

He reported that French pictures are increasing in popularity in the Scandinavian countries to such an extent that they threaten to displace Hollywood's "B" product.

Elsa Lanchester, en route to Hollywood to join her husband, Charles Laughton, who is working in RKO's "The Hunchback of Notre Dame," said she would return with him to England early in October to make "The Admirable Crichton" there for Paramount.

FCC to Hear Censorship Fight Friday

WASHINGTON, July 10.—Lengthy debate over the propriety of the F.C.C. "censorship" order on international stations at the hearing which the commission has called for July 14 is foreseen in the list of appearances so far filed and announced by the commission today.

The hearing is of interest to the motion picture industry in view of the soon-to-be-inaugurated short-wave broadcasts of film news by the studios in a cooperative arrangement.

Time for argument has been requested by the National Association of Broadcasters, Westinghouse Electric & Manufacturing Co., CBS, Crosley Corp., General Electric Corp., Isle of Dreams Broadcasting Corp., NBC, WCAU, Philadelphia; the National Committee on Education by Radio and World Wide Broadcasting Corp.

Gets Political Post

LOS ANGELES, July 10.—Alfred A. Cohn, veteran film writer, today was named by Mayor Fletcher Bowron to the Los Angeles city board of public utilities and transportation.

Governmental Rule Over All Canada Radio

(*Continued from page* 1)

pensation, it is promised, in program improvement which will add to the prestige of privately owned stations.

The latter have been notified that no attempt will be made to regulate or interfere with rates charged for private commercials for available time that would be left at the disposal of a station, but there is a feeling that such independent time may be so restricted that independent broadcasters will not have much opportunity for exclusive business of a local or national nature.

The new regulations will affect upwards of 30 stations across the Dominion which have been operated on an independent basis and these have already received notification of the CBC move. Already 26 private broadcasters are linked with the regular CBC chain programs, these studios being located in areas which are not considered to be directly served by the CBC network.

Under the new arrangement, commercial sponsors will be required to deal only with the CBC for hookups and will not have the choice of private stations as in the past.

A joint committee composed of representatives of the CBC and private stations will consider any disputes, it is announced, and prior to the establishment of the new system Horace Stovan, supervisor of the CBC, will interview all independent station owners to explain details and discuss local problems.

In the meantime, private stations will not be permitted to negotiate with commercial sponsors for lengthy advertising contracts.

Dominion Permits Royal Tour Films

OTTAWA, July 10.—Authorization has been given by the Dominion Government to Capt. Frank Badgley, head of the Motion Picture Bureau, to proceed with the production of two features of the recent Royal tour, one in color and the other in black and white.

The black and white will be available for use in schools and theatres in Canada and all parts of the British Empire, while the color film will be used for special occasions. The bureau staff and others shot about 80,000 feet, which will be cut to 6,000 feet.

Columbia Seeking To Merge 3 Suits

Columbia Pictures Corp. filed application yesterday in N. Y. Supreme Court to consolidate three stockholders' suits brought against it and 12 of its officers and directors for alleged waste and mismanagement.

Heads Cincinnati IEA

CINCINNATI, July 10.—F. Wesley Huss, Jr., president of Associated Theatres, Inc., has been elected president of Greater Cincinnati Independent Exhibitors Association, replacing Harold Bernstein, who was elected secretary. A. J. Holt was named vice-president, and Herman Bley, treasurer.

Alert, Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 7 NEW YORK, WEDNESDAY, JULY 12, 1939 TEN CENTS

M.P.P.D.A. OF AMERICA,
28 WEST 44TH ST.,
NEW YORK,
N. Y.
(6 COPIES)

AFA Charged With Ignoring Film Houses

Trial Hears That SAG's Aid Was Spurned

Principals and chorus girls in film houses with stage presentations are, in the main, members of the Screen Actors Guild and could easily have been organized by American Federation of Artists, according to testimony of S.A.G. officials at the trial of the American Federation of Actors by Associated Actors and Artistes of America, the parent body.

The A.F.A. has withdrawn from the hearings which may be concluded today.

Offered Aid to AFA

Florence Marston, eastern representative of the S.A.G., testified that she was convinced that a large majority of performers in New York City were S.A.G. members and that she had offered her cooperation to Ralph Whitehead, A.F.A. executive secretary, but that no contracts had resulted.

Kenneth Thomson, S.A.G. executive secretary, testified about conditions on the West Coast where night clubs were organized with S.A.G. aid. Contracts were obtained at the Earl Carroll in Hollywood after Thomson sent telegrams to all senior members of the

(*Continued on page 7*)

400 WB Theatres In UA Picture Deal

A deal for the exhibition of all pictures released by United Artists for the next two years by the entire Warner Theatre circuit was completed yesterday between Harry Gold, vice-president of United Artists, and Clayton Bond and Edward Hinchy, executive film buyers for the Warner circuit of 400 theatres.

The completion of the deal was announced yesterday to the board of directors of United Artists by Murray Silverstone, chief of world wide operations, who described it as the largest ever concluded between the company and the Warner circuit.

Present at the U. A. board meeting were Mary Pickford, Silverstone, Charles Schwartz, representing Charles Chaplin; Capt. Dennis O'Brien, representing Douglas Fairbanks; James Roosevelt, representing Samuel Goldwyn, and Emanuel Silverstone, representing Alexander Korda.

Equity Will Accept Existing Minimums; Urges Code Reform

Actors Equity will not ask for increased minimums from legitimate stage producers when negotiations open next month with the League of New York Theatres, it was authoritatively learned yesterday.

However, reforms in the working of the ticket brokers' code may be sought and unless they are granted, Equity will revert to its previous policy of making contracts with individual producers instead of with the league, it was further reported.

The present contract expires on Sept. 1. It is a one-year agreement which provides that Equity would not seek more favorable working conditions if the producers made an honest effort to enforce the ticket code. Unless Equity is satisfied that the code will work better in the future, the contract will not be renewed in the Fall.

Alfred Harding, editor of *Equity*, has just completed a two-month survey of the field and will present a detailed report to Philip Loeb, committee chairman, this week. Although the contents of the report have not been revealed, it is understood that several basic changes in the enforcement of the code will be recommended.

Equity regards the ticket price as a matter of concern to the union. Although box-office prices do not directly affect salaries, it is felt that if theatre-going is made easier, employment may increase.

Meanwhile, the league has had its preliminary meetings with the brokers and opposition is still strong from that source.

TRADE TO MARK GOLDEN JUBILEE

Local Drives Scheduled October 1 to 7; Promotion Plans Completed

Plans for observance of the industry's golden jubilee during a period beginning early in August and culminating in a 50th anniversary week celebration Oct 1 to 7 were completed yesterday at a meeting of major company advertising and publicity directors, foreign department publicity managers and M.P.P.D.A. officials.

The observance will be primarily in the form of local drives for increased theatre attendance aided by nationally coordinated publicity and promotional campaigns. There will be no paid staff handling the campaign and no drive for funds among either exhibitors or distribution companies. Participation in the observance will be entirely voluntary.

The national committee which will develop a wide variety of observance campaigns for exhibitor use is headed by Kenneth Clark, M. P. P. D. A. publicity manager.

Members of the committee, all of whom are volunteering their services, include Lester Thompson of the Advertising Advisory Council of the M. P. P. D. A.; Joel Swensen of the M. P. P. D. A. press department; Harry Goldberg, Warners advertising manager; William Ferguson, M-G-M exploitation manager; Ben Grimm, RKO exploitation manager, and Lou Pollock, Universal eastern advertising and publicity manager. A national press book for exhibitor use will be prepared under the supervision of Swensen with the several advertising,

(*Continued on page 2*)

First Short Wave Broadcast Monday

Industry's short wave broadcasts to foreign countries will be established on both CBS and NBC beginning next Monday when the first regular broadcast over CBS is scheduled.

Experimental broadcasts in connection with an NBC short wave film program were initiated about two weeks ago and since have been made a regular feature of that network's short wave programs.

The programs will be of 15 minutes each and will change weekly. They will be repeated during each week in six different languages, namely, English, French, German, Italian, Spanish and Portuguese. Most will go on the air in the early afternoon so as to be received in European countries at convenient early evening hours.

Material for the programs will be put into script form by Kenneth Clark, M.P.P.D.A. publicity head, from information on individual pic-

(*Continued on page 7*)

RKO Demands $3,000,000 Tax Assessments Slash

A $3,000,000 reduction in the assessed valuations of six RKO theatres in Manhattan was sought by the company from the tri-departmental city tax board yesterday.

The theatres were assessed by the city at $19,684,000. Houses involved are the Palace, 58th St., Alhambra, Coliseum, Colonial and 95th St.

Louis Nizer, attorney for RKO, based the plea for the reductions on the ground that the decline of vaudeville has made a large part of each theatre obsolete, such as the stage, dressing rooms, trap doors underneath the stage, ceiling equipment for changing sets and other portions of the buildings.

He asserted that in the 58th St. alone there was 406,000 cubic feet of space in disuse since the house went on a straight film policy.

Nizer argued that the replacement costs of the buildings represented their true values and that these should be computed with allowance for the obsolete space.

Witnesses for the company included Leslie E. Thompson, A. N. Gitterman and A. Reoch of the RKO theatre department, Thomas W. Lamb, architect, and Joseph W. Garry, contractor.

Code Is Accepted By Broadcasters

ATLANTIC CITY, July 11.—The National Association of Broadcasters, by a 128 to 24 vote, today accepted a code to govern program policies.

The code is considerably less strict than as originally designed, and, according to responsible opinion, it is not as strict as the code imposed by the networks on their own program standards.

Standards of business practice will be acted upon tomorrow afternoon and will undoubtedly be subjected to much more debate and argument than the code itself. These standards may possibly put more teeth in the code, although the strength of the teeth is mitigated because they are taking the form of a resolution and not a code.

The N.A.B. board of directors will

(*Continued on page 8*)

Industry Will Mark Golden Anniversary

(*Continued from page* 1)

publicity and exploitation men who are members of the working committee contributing. The cost of producing this manual will be borne by M. P. P. D. A. Distribution will probably be through exchanges following its completion early in August.

The observance is based on the 50th anniversary of the completion of Thomas A. Edison's kinetoscope, Oct. 6, 1889.

Activities will be begun immediately following an announcement of the observance to be made by Will H. Hays about Aug. 15. National publicity will go out to syndicates, magazines and newspapers at that time and, to be effective, local campaigns should be started at approximately the same time.

The cooperation of schools, libraries, better film clubs and similar organizations will be sought for the observance during September. Memorials and public tributes to Edison will figure in the campaign.

Paramount Planning Big Selling Stunts

Paramount plans a series of elaborate stunts in connection with the new season's product, Robert M. Gillham, director of advertising and publicity, said yesterday.

First will be about 30 key city trade and press screenings of "Beau Geste," starting July 18 in Los Angeles.

"Our Leading Citizen," Bob Burns' vehicle, will be screened for the governors of all 48 states, followed by a coast-to-coast broadcast from Van Buren, Ark., and a lecture tour by Irvin S. Cobb.

Search for talented orphans will be tied up with "The Star Maker," in which appears Linda Ware, 13-year-old orphan. A broadcast honoring Gus Edwards, whose life story forms the basis of the film, also is planned.

Similiarly elaborate exploitation plans are being prepared for "Geronimo," "Ruler of the Seas," "Jamaica Inn," "Are Husbands Necessary" and "Disputed Passage."

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Call your travel agent or HAvemeyer 6-5000. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center at 18 W. 49th St.

AMERICAN AIRLINES Inc.

Purely Personal

REGINALD ARMOUR, RKO European general manager, sails today on the *Normandie* for his headquarters in Paris after an extended visit here, including attendance at the RKO sales convention.

•

WILLIAM CAMERON MENZIES, art director, sails for England on the *Normandie* today to work on ALEXANDER KORDA'S "The Thief of Bagdad." LEE SHUBERT, CHARLES Z. CASE (Eastman Kodak), CONSTANCE BENNETT, Mr. and Mrs. JAMES DURBIN, parents of DEANNA DURBIN, also are scheduled to sail.

•

MAURICE and EMANUEL SILVERSTONE, ARTHUR KELLY, JOSEPH MOSKOWITZ, SAM SHAIN, LOWELL CALVERT, ARCHIE WELTMAN, JOSEPH PINCUS at BOB GOLDSTEIN'S Tavern for lunch yesterday.

•

BOB HOPE will begin a personal appearance engagement at the Paramount next Wednesday. He will be assisted by JERRY COLONNA. WOODY HERMAN and his orchestra will be featured on the stage.

•

JOHN D. HERTZ, JR., will leave today for a trip to Hollywood, stopping off at Chicago, and planning to spend a few days at Leona Farms, Cary, Ill. He will be gone about three weeks.

•

MURRAY ASHMANN, supervisor of the Interboro Circuit, is recovering from an appendicitis operation performed at the Crown Hospital, Brooklyn.

•

JAMES ELLISON, RKO player, and MRS. ELLISON, in the east on a vacation, are spending part of it at COREY FORD'S estate at Freedom, N. H.

•

WALTER HAMPDEN, noted stage actor, is en route to the RKO coast studio to make his screen debut in "The Hunchback of Notre Dame."

•

LOUIS SILVERS, musical director on 20th Century-Fox's "Second Fiddle," sails today on the *Normandie* for a vacation in London and Paris.

•

FRED BROWN, owner of the Plymouth Theatre, Plymouth, Wis., dropped into Round Table headquarters for a visit.

MR. and Mrs. DOUGLAS FAIRBANKS, Jr., are leaving the Coast today for a vacation of several days in New York and Newport and a brief stay at the actor's farm in Virginia.

•

EMMETT STAFFORD of the Broadhurst, High Point, N. C., is in town with Mrs. STAFFORD. HARRY NACE of Phoenix, Ariz., also here, will return Saturday.

•

J. PARKER READ, Jr., is in New York from Havana where he has started production of "How We Escaped from Devil's Island."

•

WILLIAM VERMONT, secretary of M. P. Laboratory Technicians Union, Local 702, has left for a two week vacation.

•

HARRY BRANDT will return Monday from a 12-day vacation in New England.

•

JESSE LASKY returned to the Coast yesterday via United Airlines.

•

LUIS LEZAMA, Mexican producer, is enroute to New York.

Await Horner Action On Illinois Duals Bill

CHICAGO, July 11.—Illinois exhibitors are waiting with keen interest for action by Governor Henry Horner on the bill limiting film programs to a maximum of 135 minutes.

The bill, which was enacted by the Legislature recently, would outlaw double feature programs in the state.

The Governor must sign or veto the bill by Thursday or it will become a law automatically.

Ettelson Rites Today

Funeral services will be held today for Richard Ettelson, 46, brother-in-law of Si Fabian, and operator of seven houses in New Jersey. Ettelson died yesterday of heart disease after an illness of several months. Three children survive. The services will be held from his home in Passaic, N. J.

No More Delays, Neely Promised

WASHINGTON, July 11.—Consideration of block booking legislation by the Senate was again deferred today when Senator Neely consented to have the measure temporarily laid aside in order that the social security bill could be taken up.

Before consenting, however, Neely demanded that Majority Floor Leader Barkley give assurances "that at the conclusion of this bill no effort of any kind will be countenanced by the majority leader to displace further the bill.

"So far as I am concerned," Barkley said, "I have no intention or no desire to interfere in any way with the disposition of this bill because I am as anxious as many other members of the Senate to dispose of it without delay."

Equity Acts to Save U. S. Theatre Jobs

Actors Equity yesterday dispatched a committee of three to Washington in an effort to forestall the dismissal of all WPA Federal Theatre Project employes on July 31. Despite Congressional permission to continue the payroll until Sept. 30, an order was issued Monday for termination of employment on the project by July 31.

Equity council pointed out that it is virtually impossible for actors to obtain employment in midsummer and endorsed resolutions calling upon President Roosevelt to continue the project and urging, in the alternative, that the city or private backers continue the work. There are 7,900 persons still employed by the project, of whom 3,500 are in New York City.

Phil Tripoli Rites

Funeral services are to be held today in Glendale, Long Island, for Phil Tripoli, chief projectionist at the RKO exchange, who died Sunday. He had been affiliated with RKO and Pathe for the past 19 years. His wife and two daughters survive.

Night Baseball Harming Utica, Troy Theatres

ALBANY, July 11.—Night baseball is proving a serious competitive factor in this city, Troy and Utica. In the last named city the Canadian-American Baseball League is now playing regularly, and with the installation of lights for night games, the park is drawing approximately 3,000 fans each night.

In Troy and Albany, exhibitors complain that their business is affected seriously by the nightly baseball attendance of 3,000 to 5,000 as well as the regular broadcasts of the night ball games.

The Paramount, neighborhood house here, has reduced matinee prices from 15 to 10 cents.

Closed except for weekends are the Schine houses in Watertown and Ogdensburg, and closed entirely for the Summer are the Lincoln, Schenectady, recently taken over by Sid Dwore; Strand, Watervliet; Bradley, Fort Edward; Rivoli, Troy, and Bright Spot, Rensselaer. A few theatres have opened for the vacation season in various of the Catskill and Adirondack Mountain resort spots.

In this territory, Warners have closed the Temple, Wellsville; Winter Garden, Jamestown, and State, Olean.

NJ Allied Supports Rejection of Code

Allied Theatre Owners of New Jersey, at an all-day session at the Berkeley-Carteret Hotel in Asbury Park, yesterday adopted a resolution endorsing the action of the national Allied organization at the recent Minneapolis convention, rejecting the trade practice code as proposed by the major distributors.

The entire meeting, a regular semi-monthly session, was devoted to a general discussion of the code. It had been expected that the Neely bill would come in for a share of attention from the exhibitors, but nothing, other than the code, was taken up. Approximately 30 members were present. George Gold, president of the organization, presided. No date has been set for the next meeting.

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"TARZAN" TIPS!



Successful Exploitation Ideas From Profitable Engagements!

(It's easy to duplicate the ideas and the PROFITS!)

LOUISVILLE, KY. A swimming contest was conducted to find Louisville's Tarzan. City winner received a Tarzan Trophy and a trip to Indianapolis, Indiana, to compete in the Kentucky-Indiana State Finals. The State winner received a trip to the New York World's Fair with all expenses paid.

JOHNSTOWN, PA. The Cambria Theatre, arranged with Cole Brothers and Art Mix Circus to have their elephants carry picture banners in the circus parade. A Tarzan Call Contest was exploited over the theatre's PA system with winner receiving a cash prize of $10 and runners-up free movie tickets.

ROCHESTER, N. Y. Caged lion exhibit displayed in front of Loew's Theatre for four days prior to and during picture opening. Jungle atmosphere prevailed with animal skins strung around marquee. "California Jack" was in charge of the exhibit and answered questions relating to his travels in the African wilds. Man in gorilla costume rode a bicycle on the streets for three days. Band paraded to theatre on opening day.

ASBURY PARK, N. J. The St. James Theatre sponsored the first major swim meet of the season, at this noted resort, for its engagement of "Tarzan Finds a Son!" Awards consisted of a gold trophy, a trip to the New York World's Fair and 13 other prizes. The Tarzan Swim Meet was held at the Natatorium and was exploited by the Asbury Park Evening Press.

WASHINGTON, INDIANA. Through arrangement with the Indiana Theatre, and the Washington Democrat, a state-wide contest for a Tarzan type of swimmer was put over. The stunt had the cooperation of the mayor and the president of the local chamber of commerce. Voting coupons appeared in the paper and readers were urged to cast their votes for the young man they felt was best qualified to represent Washington in the Indianapolis finals. One of the prizes in this big promotion undertaking was a trip to the New York World's Fair. The contest was widely published in many cities in the States of Indiana and Kentucky.

CLEVELAND, OHIO. Loew's State Theatre prepared a big jungle float for its play dates. Mounted elephants, tigers and lions were shown together with a man dressed in animal skins, who gave the Tarzan Yell. Mounted animals were also displayed in the lobby and an atmospheric jungle front attracted plenty of attention.

BINGHAMTON, N. Y. The Strand Theatre exploited a Tarzan Camera Contest. Contestants were instructed to take pictures of children with any kind of an animal. Three fine cameras were awarded winners who bore the closest resemblance to Johnny Sheffield.

SEYMOUR AND FRANKLIN, INDIANA. The Vondee and Artcraft Theatres, respectively, tied in with the Washington (Indiana) state-wide Tarzan swim contest.

SOUTHAMPTON, L. I., N. Y. The spectacular Tarzan Float, which was seen by New York City's millions who turned out to greet England's King and Queen, and which ballyhooed New York City's Capitol Theatre engagement, was a feature in American Legion's Fourth of July parade. The Southampton Press publicized the presence of the Tarzan Float in front page stories.

HARRISBURG, SCRANTON AND WILKES-BARRE, PA. Due to promotion enterprise Harrisburg had a long line of standees waiting for the opening performance. M-G-M's Tarzan Float covered part of Pennsylvania after its ballyhoo for the Capitol Theatre (N. Y.) engagement. Tarzana, the movie chimpanzee, was a feature of the animal float and attracted large crowds in Harrisburg, Scranton, Wilkes-Barre. Comerford Theatres played the picture in the last two cities. All newspapers cooperated with art and stories on Tarzana.

NEWARK, N. J. Loew's State Theatre searched for a local "Tarzan, Jr." on the basis of athletic development and resemblance to Johnny Sheffield. The winner and his mother were guests of Johnny Weissmuller at the World's Fair and the stunt broke the city's newspapers.

WATERBURY, CONN. Loew-Poli Theatre backed the engagement with one of the biggest campaigns ever seen on a jungle picture attaining coverage by using all ideas, missing no bets!

VANCOUVER, CANADA. The Vancouver Sun conducted a contest along the line of—"Have You a Little Tarzan in Your Home?" Youngsters who most closely resembled Johnny Sheffield, "Tarzan Jr.", or who most closely approximated a set of physical measurements, were eligible to enter. Cash prizes and a free trip to the New York World's Fair were the prizes. The Orpheum Theatre participated.

"TARZAN FINDS A SON!" *with* **the one and only JOHNNY WEISSMULLER** • Maureen O'Sullivan and John Sheffield, Ian Hunter, Henry Stephenson, Frieda Inescort, Henry Wilcoxon, Laraine Day • Screen Play by Cyril Hume • Based upon the Characters Created by Edgar Rice Burroughs • Directed by Richard Thorpe • Produced by Sam Zimbalist

'Maisie' Hits Fine $42,600 Loop Gross

CHICAGO, July 11.—"Maisie" gave the Chicago a $42,600 gross with the aid of Bob Hope and Jerry Calonna on the stage. Business downtown was good over the holiday and the best grosses in weeks were the result, despite the heat.

Estimated takings for the week ending July 5-8:

"Goodbye, Mr. Chips" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. 2nd week. Gross: $11,000. (Average, $6,500)
"Maisie" (M-G-M)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Bob Hope & Revue. Gross: $42,600. (Average, $32,000)
"Invitation to Happiness" (Para.)
GARRICK—(900) (35c-40c-65c) 7 days. Gross: $5,200. (Average, $6,500)
"Society Lawyer" (M-G-M)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $13,500. (Average, $13,000)
"Tarzan Finds A Son" (M-G-M)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $13,000. (Average, $11,000)
"Missing Girls" (Col.)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $14,600. (Average, $12,000)

'Town' at $9,700, Indianapolis Lead

INDIANAPOLIS, July 11.—"Man About Town" led the town in a week of good business, giving the Circle $9,700. "Five Came Back" and "The Girl from Mexico" gave the Apollo $2,800.

Estimated takings for the week ending July 7.:

"Five Came Back" (RKO)
"The Girl from Mexico" (RKO)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $2,800. (Average, $2,500)
"Man About Town" (Para.)
"Undercover Doctor" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $9,700. (Average, $5,500)
"Goodbye Mr. Chips" (M-G-M)
"Tell No Tales" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days, 2nd week. Gross: $5,000. (Average, $7,000)
"The Kid from Kokomo" (W. B.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Crazy Show, featuring Bert Wheeler, with Medley & Dupree; the Dormondes; Ginger Manners; 12 Glamor Girls. Gross: $8,800. (Average, $8,000)

'Five' Nets $8,500 Washington Gross

WASHINGTON, July 11.—"Five Came Back" and a repeat showing of "Juarez" were the only downtown attractions to make a dent in the holiday lull. The former pulled $8,500 at RKO Keith's, and latter $5,300 at Warners' Metropolitan.

Estimated takings for the week ending July 6:

"Maisie" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days. Stage: Major Bowes Revue. Gross: $16,500. (Average, $16,500)
"It's a Wonderful World" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 2nd run. Gross: $3,800. (Average, $4,500)
"Tarzan Finds a Son" (M-G-M)
LOEW'S PALACE — (2,370) (25c-55c) 7 days. Gross: $10,200. (Average, $12,000)
"Five Came Back" (RKO)
RKO KEITH'S—(1,836) (25c-55c) 7 days. Gross: $8,500. (Average, $6,000)
"Good Girls Go to Paris" (Col.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Fashions of 1940. Gross: $14,500. (Average, $16,000)
"Juarez" (W. B.)
WARNERS' METROPOLITAN — (1,591) (25c-40c) 7 days, 2nd run. Gross: $5,300. (Average, $4,000)

Maybe It's Fate

Toronto, July 11.—After it had been ordered closed by the Theatres Inspection Branch of the Ontario Government and then permitted to continue to operate because of the protests of local civic officials, the Orillia Theatre at Orillia, Ont., was struck by lightning during a severe storm while an evening performance was in progress. The flash disrupted the electrical service but there was no panic, the audience indulging in a singsong until repairs could be made.

Mexico Notes

MEXICO CITY, July 11.—Producers worried by steady inroads which American, French, German and British pictures are making in Mexico are seeking enforcement of the law which demands that all film houses exhibit a made-in-Mexico film at least once a month.

El Nacional, local newspaper that is the organ of the Party of the Mexican Revolution, dominator of the Government, declares that the Mexican picture industry is dying and something must be done to save it.

National Cinematographic Workers' Union which exercised a boycott against the Rodriguez circuit of five houses in Nuevo Leon State because it refused to employ unionists, a shutout that prevent exhibition here of several American pictures for 10 days, still has it in for the Rodriguez and those who deal with them.

The union has banned from all picture works in Mexico Maria Teresa Montoya, ace dramatic actress, and members of her company who assisted her in an engagement with Rodriguez.

Two houses next door to each other in a small town should bring good business because it centralizes film entertainment, believe the Espinosa Iglesias Bros., exhibitors of Puebla City, a community of about 100,000 near here. They are building the Cine Coliseos alongside their Cine Varidades.

Ministry of Finance has been urged by Mexican producers to give active attention to their plan for establishing here a national bank to finance various phases of the domestic picture industry.

'Maisie' Beats K. C. Heat with $12,800

KANSAS CITY, July 11.—"Maisie" developed surprising hot weather strength, and, with "6,000 Enemies," gave the Midland $12,800.

Estimated takings for the week ending July 3-6:

Susannah of the Mounties (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $3,000. (Average, $3,000)
Maisie (M-G-M)
6,000 Enemies (M-G-M)
MIDLAND — (4,000) (25c-40c) 7 days. Gross: $12,800. (Average, $11,500)
Gracie Allen Murder Case (Para.)
Mutiny on the Bounty (M-G-M)
NEWMAN — (1,900) (25c-40c) 6 days. Gross: $4,200. (Average, $6,000)
Susannah of the Mounties (20th-Fox)
UPTOWN — (2,000) (25c-40c) 8 days. Gross: $4,000. (Average, $4,000)

British Trade Fights Hotels As Competitor

LONDON, July 11.—The Cinematagraph Exhibitors' Association is waging a vigorous fight against a potentially new source of competition—hotels.

The London branch of the exhibitor organization is actively opposing the Savoy Hotel for a license to operate a newsreel theatre within the hotel. The application will be heard by the London County Council on Wednesday.

Four basic points feature the objection of the C.E.A.: (1) It will have the effect of increasing the overseating problem, already acute; (2) Hotels do not conform to film safety regulations; (3) It will set a precedent for other hotels, restaurants and saloons, and (4) The Savoy Hotel sells liquor.

Meanwhile, Edward J. Hinge and W. R. Fuller, for the C.E.A., and D. E. Griffith and Frank Hill, representing the Kinematograph Renters' Society (distributors) met today and agreed in principle on new joint trade talks concerning various industry problems. The C.E.A. general council will discuss the proposed negotiations Wednesday.

'Happiness' Draws $8,200 in Montreal

MONTREAL, July 11.—"Invitation to Happiness" took $8,200 at the Palace. "Juarez" had $5,800 for its third and final week at Loew's.

Estimated takings for the week ending July 7:

"Susannah of the Mounties" (20th-Fox)
"The Jones Family in Hollywood" (20th-Fox)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $5,500. (Average, $8,000)
"Juarez" (W. B.)
LOEW'S—(2,800) (30c-40c-60c) Gross: $5,800. 3rd week. (Average, $8,000)
"I Was a Captive of Nazi Germany" (Colonial)
"Mr. Moto's Last Warning" (20th-Fox)
ORPHEUM—(919) (25c-35c-50c) Gross: $3,000. (Average, $5,000)
"Invitation to Happiness" (Para.)
PALACE—(2,600) (25c-40c-55c-65c) Gross: $8,200. (Average, $10,000)
"Moonlight Sonata" (British)
"Spirit of Culver" (Univ.)
PRINCESS — (2,272) (25c-35c-50c-65c) Gross: $3,500. (Average, $6,500)

Montreal Club Fined For Nazi Film Show

MONTREAL, July 11.—Deutscher Verein Harmonia, Inc., local German club, has been fined $500 and costs for screening alleged Nazi propaganda films.

The club was raided last April during a showing of "Pour Le Merite," alleged Berlin propaganda film, and the print was held by the police. The German Consulate was reported to have asked for its return on the ground that it was privileged property of the German Government, and as such, enjoyed diplomatic immunity.

Haled into court on charges under the provincial motion picture act, the club was fined for the unauthorized setting up of projection apparatus, and failure to collect amusement tax from 300 spectators who paid 25 cents each. Failure to pay the fine will make the club liable to a property seizure. Return of the film is uncertain.

Negro Fight Films Ban Halts Pictures

Miami, Fla., July 11.—Miami police halted plans of film houses to show pictures of the Joe Louis-Tony Galento heavyweight title fight.

They acted under an ordinance almost 25 years old that bans pictures of fights in which a negro participates. The ordinance was passed in 1915 to prevent showing of films made in Havde A where Jess Willard fought the negro Jack Johnson.

Legion Approves 9 Of 10 New Pictures

National Legion of Decency for the current week has approved nine of the 10 new pictures reviewed and classified, five for general patronage and four for adults, and classed one as objectionable in part. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage — "Career," "Mickey the Kid," "Second Fiddle," "They Asked for It," "Wyoming Outlaw," Class A-2, Unobjectionable for Adults—"Hell's Kitchen," "On Borrowed Time," "Second Bureau," "Two's Company." Class B, Objectionable in Part—"Black Limelight."

Jack Benny Pulls $14,700 in Buffalo

BUFFALO, July 11.—"Man About Town" took $14,700 at the Buffalo, as first runs had a minor holiday revival. A Century dual, "Hell's Kitchen" and "The Girl and the Gambler," drew $6,500. The thermometer was high.

Estimated takings for the week ending July 10:

"Man About Town" (Para.)
BUFFALO — (3,000) (35c-55c) 7 days. Gross: $14,700. (Average, $12,000)
"Five Came Back" (RKO)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $4,000. (Average, $7,500)
"Stronger Than Desire" (M-G-M)
"Code of the Secret Service" (W. B.)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $4,500. (Average, $6,800)
"Hell's Kitchen" (W. B.)
"The Girl and the Gambler" (RKO)
CENTURY—(3,000) (25c) 7 days. Gross: $6,500. (Average, $6,000)
"Blind Alley" (Col.)
"Clouds Over Europe" (Col.)
LAFAYETTE — (3,300) (25c) 7 days. Gross: $5,800. (Average, $6,300)

Dilworth Appointed To Board of CBC

MONTREAL, July 11.—Ira Dilworth, associate professor at the University of British Columbia, Vancouver, has been accepted as a member of the board of governors of the Canadian Broadcasting Corp., according to word from Ottawa. Dilworth took leave of the university last year to act as regional director for CBC, but has resigned definitely now to take over the governing board post.

BBC Musical Head To Conduct on CBC

MONTREAL, July 11.—Sir Adrian Boult, musical director of the British Broadcasting Corp., will be guest conductor of the Toronto Symphony Orchestra on Thursday from Toronto. The program, in addition to being aired over the national network, will be piped to NBC's Blue network. John Adaskin is production supervisor.

The Hottest Thing on Ice!



Ann Sheridan

. . . the year's standout star discovery . . . in the screen's gayest romance of youth hitting the high spots with the brakes off!



Released July 28th...

PLAY IT WHILE IT'S HOT!

WALTER WANGER *presents*

Ann Sheridan

in The Season's Gayest Picture

WINTER CARNIVAL

Actually photographed during the world-famous Dartmouth Winter Carnival

with **RICHARD CARLSON**

HELEN PARRISH • ROBERT ARMSTRONG • VIRGINIA GILMORE

Directed by CHARLES RIESNER • Released thru UNITED ARTISTS









Newsreel Parade

Floods in Kentucky, events pertinent to the war crisis in Europe and an assortment of less important items comprise the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 87—Volunteers parade in England. Autogiro postal service — Philadelphia. Ketch completes round-the-world voyage. Clyde Beatty trains lions. Dedicate Virginia building at Fair. Aviation instruction in army. Fashions in bathing suits. Czech demonstration at Randall's Island. Soap box derby. Train sled dogs. Girl scouts sail schooner. Lew Lehr.

NEWS OF THE DAY, No. 285—Poland on guard. Preparedness parade in London. WPA strike. Floods devastate Kentucky towns. Fire epidemic in London. Lion taming school in Atlantic City. Self-launching life boat. Woman goes round the world in ketch. Hollywood Derby.

PARAMOUNT NEWS, No. 98—Girl scouts on schooner voyage. Flood in Kentucky. Small ketch arrives at New York Harbor. Byrd commissioned for Antarctic expedition. Hoover discusses Danzig crisis.

RKO PATHE NEWS, No. 102—Cloudburst in Kentucky. Autogiro mail service launched. WPA strike. All-electric orchestra demonstrated. Kahn estate sold. Byrd prepares for exploring trip. Flying school in army. Hollywood Derby.

UNIVERSAL NEWSREEL, No. 787—Mining jubilee in Oregon. Flood in Kentucky. Civilian army in England reviewed by King. Royal wedding in Italy. Howard Hughes tests stratoliner. Government aviation school in California. Woman skipper ends world trip. Girl scout mariners. Handicap race in Hollywood. Beatty conducts lion taming school. Self-launching life boat is tested.

Throngs at Funeral For Thomashefsky

Thousands thronged East Side streets yesterday for the funeral procession of Boris Thomashefsky, noted Yiddish actor, who died Sunday of a heart attack. Funeral services, held from the Gramercy Park Memorial Chapel, were followed by interment on the grounds of the Yiddish Theatrical Alliance at Mt. Hebron cemetery. Principal eulogies were delivered by Abraham Cahan, editor of *Jewish Daily Forward.* and Sophie Tucker, president of the American Federation of Actors.

Republic Deal Made With Durkee Circuit

James R. Grainger, president of Republic, returned yesterday from a trip to Baltimore, where he closed a product deal with the Durkee Theatrical Enterprises, Inc. With Sam Flax, Republic franchise holder for the Washington territory, Grainger closed for the entire 1939-'40 Republic lineup with Frank H. Durkee, president of the Durkee company, operating 22 houses in Baltimore, Annapolis and Havre de Grace.

Weeks on Coast

HOLLYWOOD, July 11. — George Weeks, Monogram vice-president in charge of sales, arrived today for conferences with Scott Dunlap, in charge of production, and Mel Hulling, California district sales manager.

Writer Sues Wanger

LOS ANGELES, July 11.—Conly Keeney, Hollywood authoress, today filed a suit in Federal Court against Walter Wanger, Inc., Tay Garnett and others, alleging "Trade Winds" infringed upon her copyright novel, "Feather in the Wind."

AFA Charged With Ignoring Film Houses

(*Continued from page* 1)

S.A.G. urging them to cancel reservations.

"Our only regret is that we were unable to convince the A.F.A. of the power of our cooperation," Thomson said.

A.F.A. offices stated last night that inability to obtain the aid of Projectionists' Union, Local 306, was the reason a walkout was not staged.

Affidavit of Fred Keating, former A.F.A. president, was read in which he declared that when the I.A.T.S.E. threatened to invade the jurisdiction of the Guild, he was unable to obtain the aid of A.F.A.

Most of the testimony yesterday concerned itself with the complaints of the chorus at Billy Rose's Aquacade. Members told of unsanitary conditions in dressing rooms and pool and failure to obtain rehearsal pay. Other performers related how they were compelled to join the A.F.A. against their wishes, and being forced to pay agency percentage although they booked the acts themselves.

Appeal for a 4-A investigation by the A. F. of L. is "another attempt to confuse the issues and avoid answering the facts," said Paul N. Turner, 4-A counsel. Turner quoted from a previous letter to the A. F. of L. in which Whitehead stated that no power existed to investigate an international union.

Delay of Gaumont Probe Report Told

LONDON, July 11.—Questioned in Commons tonight on reasons for the delay in issuing a report on the investigation of Gaumont British affairs, Sir Oliver Stanley said certain documents have not yet been placed at the disposal of the inspector. He remarked that company directors have not been as helpful in the investigation as they might be.

On further questioning, however, the Board of Trade president stated that the documents now in the hands of inspectors are presentable, if necessary, on court order.

Reopen Chicago House

CHICAGO, July 11.—With ample product for the house's needs in view, B. & K. will reopen the United Artists here July 22. House has been dark for several months because of a shortage of films. Mort Singer may operate the RKO Palace here if a deal reported to be under discussion now is consummated.

Uphold Ban on 'Birth'

ALBANY, July 11.—The Appellate Division of the N. Y. Supreme Court today upheld, three to two, the Board of Regents in its ban on the exhibition in the state of "The Birth of a Baby." Costs were assessed against the American Committee on Maternal Welfare, Inc., and Sam Citron.

Theatre, Personnel Changes

Form Yonkers Firm

ALBANY, July 11.—General Amusement Yonkers, Inc., has been authorized to conduct business, with Freda Jarrett, Ruth Kaplan and Francine Brunner, New York, listed as directors.

Foley Joins Monogram

KANSAS CITY, July 11.—Douglas Desch, branch manager of Monogram here, has named Frank Foley, for several years associated with the film business in Denver, as booker and city salesman, succeeding Ralph Scherzer.

Griffith-Dickinson Operate

KANSAS CITY, July 11.—In the purchases of four Nebraska houses recently, H. J. Griffith had as partner H. F. Williams of Minneapolis, and the purchases were effected in the Williams - Griffith name. However, the four theatres, two at Auburn and two at Nebraska City, will be operated out of the Griffith-Dickinson offices here.

Drop Summer Matinees

PLYMOUTH, O., July 11.—The Plymouth, operated by Ed Ramsey, open only in the evening, and playing Saturday matinees, has discontinued matinee showings during the summer.

First Short Wave Broadcast Monday

(*Continued from page* 1)

tures, stars, studios or the industry in general which is supplied by heads of the various companies' foreign publicity departments.

The scripts are then forwarded to the networks for their approval and translated into the languages named. The scripts are read by members of the broadcasters' regular staff.

U A Director Post Resigned By Roosevelt

James Roosevelt, vice-president of Samuel Goldwyn, Inc., resigned as a director of United Artists at a meeting of the latter company's board yesterday. James Mulvey, also a Goldwyn vice-president, was elected to the board to fill the vacancy.

Roosevelt's resignation from the board was impelled by the press of duties at the studio which will keep him on the Coast most of the time.

At a cocktail party at the Rockefeller Center Luncheon Club yesterday, Roosevelt announced the appointment of Fred Storm as head of the Goldwyn publicity division on the Coast. The cocktail party was given by United Artists to honor Roosevelt and Storm.

Roosevelt left for the coast by plane last night.

Alice Marble Signed

HOLLYWOOD, July 11.—Alice Mable, famous tennis queen, has been signed for the movies, it was announced today by Frank Orsatti, agent. Her contract forbids any role as a tennis player. Her acting will not interfere with her amateur status as a tennis player, he added.

Urge Woman on FCC

KANSAS CITY, July 11.—The National Federation of Business and Professional Women's Clubs, at its convention here, sent a telegram to President Roosevelt, urging him to appoint a woman to the Federal Communications Commission.

Bushmans from Mexico

Francis X. Bushman, idol of motion picture fans during the silent era, arrived in New York yesterday with his wife on *S.S. Mexico.* They left immediately for Chicago.



Radio Chiefs Accept Code, Hear Milliken

(*Continued from page* 1)

establish machinery to administrate and interpret the code.

Briefly, the code provides close guard on children's shows, with no elements contrary to clean living, respect for parents and law and order; no horror stuff; N.A.B. is to cooperate with parent and child study groups to improve standards; time is to be sold for discussion of controversial subjects, and responsible parties be given an opportunity to express their views.

The code also provides for furtherance of educational efforts, bars attacks on race or religion and establishes limits on the length of commercial sales talks. Close guard is to be maintained against the distortion of news or the use of news periods for propaganda.

Radio and Films Compared

Addresses by Carl E. Milliken of the M.P.P.D.A. and Stephen E. Early, secretary to President Roosevelt, and reports by NAB President Neville Miller and Secretary-Treasurer Ed Spence were made at today's meeting.

Milliken's talk was perfectly timed, coming as it did before the convention considered the radio code. He first pointed out the similarities between radio and pictures, saying that both catered to the masses and both had the problem of suitable children's shows, that parents often were "disinclined" to accept responsibility for the entertainment of their offspring, that both industries need self-government, and that both had a problem of foreign audiences and acceptable material for them.

Milliken then commented on differences between the two fields. He noted that radio was free whereas pictures have an average admission price of 23 cents; that radio has, mainly, simultaneous presentation through the networks while pictures are shown at greatly varying intervals; that they have entirely different distribution methods; that radio is far more convenient to the audience, that picture audiences resent advertising, and finally, radio does not have to spend millions to advertise its attractions.

Fears No Government Control

Early reassured the broadcasters that there were no grounds for fears of governmental operation of radio. Federal dictation to radio, he said, means the "end of democracy."

Early said that he could see no reason why station owners should oppose periodic scrutiny by the F.C.C. to check up on their responsibility. "The F.C.C. is no ogre," he said.

What was interpreted as a hidden reference to Father Coughlin was contained in Early's statement that no individual seeking to arouse prejudice would hold public confidence for long.

Miller's report covered various fields of NAB activity, highlighted by the high labor standards and earnings of radio employees. He said that radio's average wage was $45.20, highest in American industry.

The treasurer's report showed there are 419 active NAB stations, with 250 network affiliates and with the balance being independents.

BANNER RADIO LINES

By JACK BANNER

TELEVISION . . . Starting Thursday, July 20 and weekly thereafter, NBC television viewers will see Andre LaVarre's "Screen Traveler" subjects, which are well-known to picture audiences. NBC also has acquired television rights to a number of Noel Coward sketches for Fall production. Currently in rehearsal for a showing July 18 via the television camera is "Missouri Legend," which Guthrie McClintock produced on Broadway. "Legend" will be offered as an hour-length production, with Dean Jagger in the principal role.

▼

SPITALNY BACK . . . Phil Spitalny's girl orchestra will be back on NBC this Fall, again for General Electric. But because the sponsor preferred not to remain on the air year-round he has lost his previous time, and on this cycle will try the Sunday 10 to 10:30 P. M. period on the Red. This is "graveyard" time and if the Spitalny show succeeds in holding its previous high rating, it'll be in defiance of precedence, for most sponsored shows have died ignobly in this spot. The program starts Sept. 17.

▼

P & G ADDS CANADA . . . The Maritime, Quebec, Ontario, Prairie and British Columbia regions of Canadian Broadcasting Corp. have been added by P & G for its serials, "Ma Perkins," "Mary Marlin," "Pepper Young's Family" and "Guiding Light."

▼

BACKSTAGE HOLLYWOOD . . . Filmland reporter George McCall will present a new series, "Man About Hollywood," over CBS starting Monday at 9 P. M. Hollywood's fledgling players will be boosted each week.

▼

EDUCATION BY RADIO . . . In a Radio City restaurant. From the loudspeaker in the premises came the strains of Tschaikowsky's Fifth Symphony. "That's beautiful," said the woman to her escort. "Who composed it?" The man told her. "Tschaikowsky?" she repeated. "Oh, yes. He's the man who married Lily Pons."

▼

PERSONALS . . . Ben Pratt has re-joined the NBC press staff. . . Charles E. Green, CRA president, back in New York after three weeks visiting territorial offices. . . . Margaret Anglin slipped in a Radio City studio and chipped a bone in her ankle. . . Martin Block deserts the WNEW record turntables July 14 for a California vacation. . . . Robert Bell of WHN has married Ruth Winifred Hager . . . Al Simon and Leon Goldstein publicity directors of WHN and WMCA respectively, off on vacation. . . . Ted Sills, executive of Grombach Productions, has resigned, and may enter the motion picture field, he states. . . . Fred Bethel, formerly of CBS, has joined the production and announcing staffs at WOR. . . . Arthur Godfrey, the Washington air chatterer, is now doing a column for the Washington *News*. . . . Three additions have been made to the WABC program staff. They are Edwin M. Marshall, formerly a free-lance writer, who will write local programs; Richard Goggin, formerly an apprentice at CBS, who will assist in production; Mary O'Keefe or WTHT, Hartford, who will run traffic operations.

▼

"TEXT" PROGRAMS . . . Radio Workshops at 15 universities have selected a number of NBC programs to be used as texts of education by radio. Programs selected include Music Appreciation Hour, Science on the March, Ideas That Came True, Your Health, Stories Behind Headlines, Adventures in Reading, Lives of Great Men, America's Town Meetings, Great Plays, Youth Meets Government. NBC will provide lecturers from its staff for several of its courses.

▼

CROSSLEY ON FIGHT . . . It doesn't sound quite believable, but the Crossley survey vouchsafes the fact that the audience rating for the recent Louis-Galento fight was higher than for any other one-network sports broadcast, at 53.2 per cent. Comparisons show that the Baer-Nova and Braddock-Farr fights, both broadcast over the Blue network, as was the Louis-Galento encounter, had audience ratings of 32.2 and 35.9 respectively. For two network broadcasts, the audience ratings have been higher, of course. Broadcast over the Blue and Red, the Louis-Schmeling bout in 1936, had a rating of 57.6, the following year Louis and Braddock drew an air audience of the same ranking, 57.6; Louis-Farr had an audience of 56.9, and the return go between Louis and Schmeling drew an all-time high of 63.6 per cent.

▼

RADIO NEWCOMER . . . Peter Zamphier, sales promotion manager of *Red Book*, comes to NBC in August to head up the sales promotion department of the Blue network.

▼

FIRST entertainment series from the Fair will start over CBS next Sunday from 10 to 10:30 P. M., with John S. Young, Fair's director of radio, in charge. Show will emanate from a different concession each week. Opening program will feature Bill Robinson and Morton Downey.

Hearing on July 21 for Fox Theatres

Federal Judge John C. Knox has set hearing for July 21 at 10 a.m. on the application of the Trust Co. of Georgia to vacate the order of former Circuit Judge Martin T. Manton, appointing Milton C. Weisman and Kenneth Stenreich as trustees of the Fox Theatres Corp. and substituting a temporary receiver in their place.

Urges Radio Super-Power Experiments

WASHINGTON, July 11.—Power in excess of 50,000 watts is essential if areas not now adequately served are to have a desirable choice of broadcasting programs, it is declared by Representative William D. Larrabee of Indiana.

Charging the F. C. C. with inconsistency in banning the use of superpower by domestic stations while requiring that international broadcasters shall use not less than 50,000 watts. Congressman Larrabee has introduced a resolution calling upon the commission to make a further study of the subject and to issue one or more licenses for superpower operation as an experiment.

"I am convinced in my own mind that the very phrase 'Superpower' as applied to broadcasting stations has created a complete misconception in the mind of many as to its meaning," he said. "If the commission's socalled superpower report had been termed, as it might well have been, 'report on means of improving rural and small-town radio reception,' an entirely different reaction to this report might have been indicated on the part of the commission itself.

"It is a strange paradox that the very people to whom radio can mean the most and to whom radio offers most are the same people who receive its benefits least satisfactorily."

Steffes Is Re-Elected By Northwest Allied

MINNEAPOLIS, July 11. — W. A. Steffes was re-elected president of the Northwest Allied at its annual convention at the Nicollet Hotel here today. More than 50 exhibitors attended.

B. L. Peasley was named vice-president, Ben Asch secretary and Sidney Volk treasurer.

A resolution was adopted, but officers refused to disclose its nature until tomorrow.

Six Stations Change Advertising Methods

WASHINGTON, July 11.—Five western and one southern radio stations have entered into stipulations with the Federal Trade Commission to discontinue certain advertising practices in connection with sale of their facilities. The stations are KDYL, Salt Lake City; WJDX, Jackson, Miss.; KGVO, Missoula, Mont.; WOW, Omaha; KFRU, Columbia, Mo.; and WTCN, Minneapolis.

The stations have agreed to cease representing that their respective outlets have a certain power unless that power is actually used by them during the entire broadcast period; or unless it is clearly explained that such power is authorized and used only during certain specified hours.

New Job for Gaynor

Leonard Gaynor, until recently with the 20th Century-Fox publicity department, will handle special publicity and exploitation for Columbia on "Golden Boy" and "Mr. Smith Goes to Washington."

MOST ADVANCED TEXTBOOK ON SOUND REPRODUCTION AND PROJECTION



2nd Revision

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with

JOHN TRENT
as "TAILSPIN TOMMY"

MARJORIE REYNOLDS
as "BETTY LOU"

MILBURN STONE
as "SKEETER"

•

Produced by PAUL MALVERN · Directed by GEORGE WAGGNER
Screenplay by SCOTT DARLING and JOSEPH WEST
Original Story by HAL FORREST

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"Packed with air thrills and action"—*Hollywood Reporter*

"Thrills and chills, excitement for all"—*Motion Picture Daily*

"Climbs to high level as action melodrama"—*Boxoffice*

"Good bet for action fans"—*National Boxoffice Digest*

"Worthy sequel to the initial film"—*Motion Picture Herald*

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First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 8 NEW YORK, THURSDAY, JULY 13, 1939 TEN CENTS

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(6 COPIES)

Radio, Press, Films Draw Hays Praise

Goodwill Value Stressed Before Broadcasters

ATLANTIC CITY, July 12.—Will H. Hays, president of the M. P. P. D. A., speaking tonight from Hollywood to the assemblage of broadcasters attending the N. A. B. convention here, described the motion pictures, radio and the press as the "three mirrors" of the people, and said that each reflects a "composite, definite distillation of the character and the intelligence" of civilization.

Paying respect to radio, he said that the medium has been employed "magnificently" for good and that it has shown its determination and its "distinguished" ability to make itself an agency of "goodwill, of enlightenment, and of general public welfare."

Of motion pictures, he said they are of vast benefit in that they contribute to the well-being and contentment of people everywhere in the world and are a tremendous influence in conditioning the thoughts of the people.

"Let your imagination conceive this country as being deprived of motion pictures," he said to the broadcasters. "Conjure all screens as being silent and lifeless, and then you will begin to see the true measure of the vast

(*Continued on page 2*)

Broadway Gross Exceeds Average

Grosses along Broadway continued well above average for the Summer season last week with out-of-town visitors providing a large portion of the patronage. Holdovers continued to draw despite the weekend heat spell.

"Man About Town" in its second week at the Paramount drew an estimated $40,000 and will go another week. "The Magnificent Fraud" is next. "Man in the Iron Mask" opens today at the Music Hall. Second week of "Pachelor Mother" drew an estimated $75,000. Continuing strong, "Goodbye, Mr. Chips" took an estimated $12,000 in its eighth week.

At the Capitol, "On Borrowed Time" grossed an estimated $20,000 and will continue until Tuesday when "Andy Hardy Gets Spring Fever" opens. "Hell's Kitchen" drew an estimated $9,000 at the Globe in its first week and is going a second. "Five Came Back" is held over at the Rialto.

ITOA Names Three For Capital Parley

I.T.O.A. board yesterday designated a committee of three —Harry Brandt, president; Milton C. Weisman, counsel, and Lionel Toll—to confer with Department of Commerce officials at Washington Tuesday. The meeting also considered a program to be presented to the Department.

Skirball Resigns At Grand National

J. H. Skirball has resigned as vice-president of Grand National in charge of production and as a director of the company in order to devote all of his time to independent production, he said yesterday.

Earle W. Hammons, Grand National president, said: "I am most appreciative of the fact that Skirball has withheld his resignation until such time as our company's refinancing plans have been definitely arranged for."

A special meeting of Grand National and Educational Pictures stockholders is scheduled for tomorrow to act on a proposed plan of refinancing for the two companies. Company officials expect to have sufficient proxies on hand by tomorrow to permit the meeting to be held.

AFA Trial Closes; Thomson Charges Attack Whitehead

Efforts to establish one office for all actor unions in smaller cities were blocked by Ralph Whitehead, executive secretary of the American Federation of Actors, Kenneth Thomson, Screen Actors Guild executive secretary, testified at the A.F.A. trial yesterday.

Open hearings by Associated Actors and Artistes of America on charges filed against the A.F.A. were concluded and the trial board will go into executive session tomorrow. No indication was given that testimony had been ended.

A.F.A., which withdrew from the trial, will answer the charges tomorrow in the form of a newspaper release.

Mentioning the Roxy specifically, Thomson declared that performers in the stage show there could have been organized by A.F.A. if it had accepted the cooperation of other 4-A branches. He stated that he had proposed a joint council to be set up in New York, Los Angeles, San Francisco and other cities where several unions maintain branches, but the A.F.A. refused.

Thomson also pointed out that he had proposed to have an office set up in Detroit which was needed by

(*Continued on page 8*)

British Exhibitors Study Maxwell's Booking Plans

LONDON, July 12.—A subcommittee of the Cinematograph Exhibitors' Association today was designated by the organization's general council to examine and report on the booking combine scheme proposed by John Maxwell, after consideration of the plan by the council.

The subcommittee was instructed to interview Maxwell relative to complete details of the plan. Under the scheme, a group of approximately 1,000 independent exhibitors would be assured a continuity of product, backed by Maxwell, head of Associated British Pictures Corp. He is said to have backed the plan financially.

The C.E.A. general council at today's session again condemned Bank Night, and noted that the Kinematograph Renters' Society (distributors) also is opposed to the practice. It was agreed that if the operation of Bank Night spreads the C.E.A. will cooperate with the K.R.S. in putting a stop to the practice.

The joint talks on mutual problems planned by the two important trade bodies were ratified, and a C.E.A. committee named to obtain K.R.S. agreement to the former's policy on overbuilding, already submitted to the distributors in previous conversations.

The exhibitor group today expressed dissatisfaction with the policy of the Postmaster General relative to large screen television, but expressed willingness to continue discussions with him, aiming at a basis for cooperative action. An effort will be made also to reach an agreement with the K.R.S. on television policy.

The committee studying the problem of overlong film programs reported to the council that it is useless to pursue the matter further, since it appears virtually impossible to obtain an agreement in the matter among major circuits.

U. S. Lawyers Urge Changes On Copyrights

Place Conditional O. K. On Berne Convention

Resolutions on copyrights offered at the annual meeting of the American Bar Association in San Francisco this week on behalf of its committee on copyrights were adopted without exception, according to a report received by the M. P. P. D. A. here yesterday from Edward A. Sargoy, chairman of the A. B. A. committee on copyrights.

Sargoy is counsel for the Copyright Protection Bureau of M. P. P. D. A. Substance of resolutions adopted at the San Francisco meeting follows:

Disapproved adherence to the International Copyright Convention at Berne as recommended by the Senate Foreign Relations Committee to the present Congress, unless there is prior domestic enabling legislation by Congress as a whole to prepare for such adherence.

Approved the Lanham bill (H.R. 5319) providing a specified period of sixty days after publication within which to deposit copies and register the claim to copyright in the Copyright office.

Approved in principle copyrightability for acoustically recorded works, although disapproving the Daly and McGranery bills (H.R. 4871 and H.R. 6160) introduced for such purpose.

Disapproved the Moser bill (H.R. 6243) providing for compulsory licensing of any use of any copyrighted work of any kind, upon failing to secure an agreement with the copyright owner, by applying to the Federal Communications Commission, upon royalty rates to be determined by the Commission after hearing.

The report of the committee also

(*Continued on page 2*)

Court Rules Friday In IA Trial on Coast

LOS ANGELES, July 12.—Both sides in the counter suits by Technicians Local 37 and I.A.T.S.E. International over control of the studio unit closed the presentation of evidence today and the trial was adjourned until tomorrow when final arguments will be presented.

Superior Judge Henry Willis declared he would rule orally from the bench on Friday because of the importance of the trial to Hollywood film workers.

U. S. Lawyers Urge Changes On Copyrights

(*Continued from page* 1)

discussed the various international and domestic activities of the Committee for the Study of Copyright, popularly known as the Shotwell Committee, and with which the various copyright interests have been co-operating for many months, as well as the recent order of the U. S. Supreme Court making the new Federal Rules of Civil Procedure applicable to copyright suits after September 1, a matter which this committee urged in co-operation with similar committees of other bar associations.

UA Executives Fete 'Grandpa' Streamer

Moe Streamer, on the occasion of his becoming a grandfather Saturday, was honored at a luncheon at Bob Goldstein's Tavern yesterday by executives of United Artists.

Those present included Clarence Eiseman, New York branch manager; Monroe Greenthal, advertising and publicity director; Thomas Walker, Hal Roach Eastern representative; Harry Buckley, vice-president; Arthur Kelly, vice-president in charge of foreign distribution; James Mulvey, Goldwyn vice-president; Murray Silverstone, chairman of the executive committee.

Also Harry Gold, Emanuel Silverstone, Lynn Farnol, Harry Kosiner, Morris Helprin, Charles Stern and Al Margolies.



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Purely Personal

WILLIAM A. SCULLY, Universal general sales manager, is due back from a business trip to Boston tomorrow.

•

MARTHA RAYE has signed for a week's personal appearance at the Golden Gate Theatre in San Francisco, beginning July 19. She will return to the Paramount studio the middle of August to appear in "The Farmer's Daughter."

•

ALFRED DAFF, Universal's Far East general manager, returns to New York next week from Montana where he is visiting relatives. He is in the United States from Japan for his first home office visit since joining Universal.

•

HOWARD DIETZ, director of advertising and publicity for M-G-M, left on the *Dixie Clipper* yesterday for England to join his wife. He will return in about two weeks.

•

JOSEPH SEIDELMAN, Universal foreign manager, sails from England Saturday on the *Ile de France* on his return from a two months trip abroad.

•

DAN CASEY, Universal's general sales manager for Australia under HERK MCINTYRE, arrives in New York from the coast early next week.

•

OSCAR MORGAN, Paramount southern sales manager, is due back in New York from Atlanta on Monday.

•

MR. and MRS. SAM KOMM, of the Sam Komm Circuit, St. Louis, are in town to visit the World's Fair.

•

HARRY MANDEL, RKO Theatres publicity manager, is vacationing.

•

LOUIS PHILLIPS of the Paramount legal department is vacationing.

OSCAR S. OLDKNOW, vice-president of National Theatre Supply Co., has returned to the coast from New York, after a two-week stay at the home office, where he conferred with W. E. Green, president, and other executives.

•

MILTON STEIFEL is celebrating his 10th anniversary in Summer stock at Ivorytown, Conn. Guest stars for this season will include CLIFTON WEBB, LIBBY HOLMAN, MADGE EVANS, GLENDA FARRELL, JUDIE PARISH, MADELEINE GREY and HAILA STODDARD.

•

OWEN DAVIS has written a play, "Indian Summer," in which his son, OWEN DAVIS, JR., now appearing in M-G-M's "These Glamour Girls," will open at the Lakewood Theatre, Skowhegan, Me., on July 24.

•

FRANK DONOVAN, RKO Pathe production manager, has returned to New York from Sun Valley, Idaho, where he filmed material for a short on trout fishing.

•

FRED C. DETMARS, camera technician at Eastern Service Studios, has left for the coast, where he will be assigned temporarily.

•

H. E. BUCHAN, theatre manager of Hendersonville, N. C., has been elected exalted ruler of the Hendersonville Elks Club.

•

DOUGLAS CORRIGAN and ELIZABETH MARVIN, dramatic coach of San Antonio, will be married July 17 in the Texas city.

Betty May Warner Marries Sperling

LOS ANGELES, July 12.—Betty May Warner, daughter of Mr. and Mrs. Harry M. Warner, tonight became the bride of Milton Sperling, Twentieth Century-Fox film writer and son of Mrs. Petty Sperling, at a ceremony performed by Rabbi Maxwell Dubin at the Beverly Wilshire Hotel.

Seventy close friends of the couple attended the ceremony and approximately 500 were guests at the supper which followed.

The bride's sister, Mrs. Mervyn LeRoy, was matron of honor and Lita Warner, cousin, was maid of honor. Frank Cohen was best man. Serving as ushers were Jack Warner, Jr., Milton Charnas, William Goetz, Leonard Hoffman, Boris Ingster and Albert Manheimer. The father gave the bride away.

For their honeymoon the newlyweds will make an extended trip over the United States and Europe.

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Encores!

Audience Goes Strong for 'Mikado' Songs

A publicity idea that came near working too well can be credited to Lou Pollock, Universal eastern advertising and publicity manager.

Pollock was inspired recently to woo some publicity for "The Mikado" by preparing extra sound prints of four of the most popular Gilbert and Sullivan airs in the operetta and having them ready for use as "encores" in the event audience applause warranted it. John J. O'Connor, RKO theatre head, approved the idea for a trial at the Palace at afternoon and evening performances yesterday.

A trailer explained the idea to the audience before the picture went on. The stunt was accepted enthusiastically—to the near embarrassment of its sponsors. Not only were encores demanded for the four songs for which sound prints had been prepared but insistent applause greeted four other "Mikado" songs for which there were no encore prints.

No further "encore" performances will be scheduled pending the filling in of the gaps in Pollock's song repertoire.

Heads C. of C. Group

HOT SPRINGS, Ark., July 12.—W. Clyde Smith, theatre executive, has been selected general chairman of the Chamber of Commerce's $100,000 membership-advertising campaign.

Radio, Press, Films Draw Hays Praise

(*Continued from page* 1)

and vital benefit of the motion picture."

Describing the motion picture as the "true child of democracy," he said that it "has no vested rights and must conform to public demands, public taste and the public's sense of decency and goodness in entertainment." He said the screen recognizes and acknowledges its responsibilities.

"Freedom of the screen means opportunity to attend a theatre with the knowledge that the entertainment will not negate the influence of the school, church and home; the certainty that pictures bearing the seal of self-regulation will not violate the canons of common decency; that the screen's freedom from subversive propaganda builds patriotism," he stated.

Following passage of the N.A.B. code, attention was turned today to establishing standards of business practice and acting on the copyright problem.

At closed meetings, the N.A.B. passed two resolutions, one the designator business and the other empowering its copyright committee to conclude negotiations with Ascap for a contract to be recommended to the entire industry.

Business practices bar spirituous or hard liquor accounts; any product the sale of which is illegal; fortune telling of any kind; matrimonial agencies; race track, dopester or tip sheet publications; all forms of speculative finance; cures and products claiming to cure; grossly exaggerated advertising claims; repellent continuity in advertising; unfair attacks on competitors; misleading price announcements or comparisons, and schools offering untrue promises of employment.

CBS Makes WCKY Deal

ATLANTIC CITY, July 12.—Columbia Broadcasting System has finished negotiations with L. B. Wilson, owner of WCKY, Covington, Ky., whereby Wilson's station will become exclusive outlet in the Cincinnati area for CBS. It is reported that CBS will sell WKRC, its own station in Cincinnati, to Wilson, subject to F.C.C. approval.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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JOHN GARFIELD

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ank McHugh • Dick Foran • and THE "FOUR DAUGHTERS"

RISCILLA LANE • ROSEMARY LANE

LOLA LANE • GALE PAGE

Directed by MICHAEL CURTIZ

inal Screen Play by Julius J. and Philip G. Epstein • Suggested by a Play by
y Bennett and Irving White • Music by Max Steiner • A First National Picture

ck L. Warner in Charge of Production • Hal B. Wallis Executive Producer

NEXT!

CAGNEY against RAFT in EACH DAWN I DIE

JANE BRYAN

GEORGE BANCROFT

Directed by

WILLIAM KEIGHLEY

A First National Picture

Screen Play by Norman Reilly Raine and Warren Duff • From the Novel by Jerome Odlum

Jack L. Warner in Charge of Production • Hal B. Wallis Executive Producer

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	MONOGRAM
June 9		6000 Enemies *Walter Pidgeon Rita Johnson* (G) (D)	Undercover Doctor *Lloyd Nolan J. Carroll Naish Janice Logan*	Mountain Rhythm (O) *Gene Autry*	Saint in London *George Sanders Sally Gray* (G) (D)	Young Mr. Lincoln *Fonda Alice Brady* (G) (D)		The Sun Never Sets *Rathbone Fairbanks, Jr.* (G) (D)	Juarez *Bette Davis Paul Muni Brian Aherne* (G) (D)	Should a Girl Marry? *Anne Nagel Warren Hull* (June 9)
June 16	Awful Truth (reissue) Western Caravans (O)	Tarzan Finds a Son *Weissmuller O'Sullivan*	Invitation to Happiness *Dunne MacMurray* (G) (D)		The Girl and the Gambler *Steffi Duna Carrillo*	Charlie Chan in Reno *Sidney Toler Ricardo Cortez Phyllis Brooks*			Nancy Drew Trouble Shooter *Bonita Granville Frank Thomas, Jr.* (G) (D)	Stunt Pilot *John Trent* Roll, Wagon, Roll (O) (June 30)
June 23	Clouds Over Europe *Olivier Valerie Hobson* (G) (D)	Maisie *Ann Sothern Robert Young*	Grand Jury Secrets Heritage of the Desert (O)	In Old Caliente *Roy Rogers Mary Hart*	Five Came Back *Chester Morris Lucille Ball* (G) (D)	Susannah of the Mounties *Shirley Temple Scott*			The Kid from Kokomo *O'Brien Wayne Morris* (G) (C)	The Man from Texas (O) *Tex Ritter* (July 21)
June 30	Parents on Trial Good Girls Go to Paris	Stronger than Desire *Virginia Bruce Walter Pidgeon* (A) (D)	Bulldog Drummond's Bride *John Howard Heather Angel*	Wyoming Outlaw (O) *John Wayne*	Timber Stampede *Geo. O'Brien*	It Could Happen to You *Gloria Stuart Stuart Erwin* (G) (D)		House of Fear *Wm. Gargan Irene Hervey*		Mr. Wong in Chinatown *Boris Karloff Marjorie Reynolds* (Aug. 11)
July 7		On Borrowed Time *Lionel Barrymore Hardwicke*	Man About Town *Jack Benny Dorothy Lamour* (G) (C)	Mickey, the Kid *Bruce Cabot*	Career *Anne Shirley Edward Ellis*	Mr. Moto Takes a Vacation *Peter Lorre Schildkraut*		Forgotten Woman *Sigrid Gurie*	Naughty But Nice *Dick Powell*	
July 14	A Woman Is the Judge *Rochelle Hudson*	They All Come Out *Rita Johnson*	Million Dollar Legs *Betty Grable Jackie Coogan* (G) (C)	She Married a Cop *Phil Regan Jean Parker*	Of Human Bondage The Lost Squadron (reissues)	Second Fiddle *Henie Power Vallee*		Unexpected Father *Baby Sandy Mischa Auer*	Waterfront *Gloria Dickson* Hell's Kitchen (G) (D)	G. N.
July 21	Blondie Takes a Vacation *Penny Singleton* The Man from Sundown	Andy Hardy Gets Spring Fever *Rooney Lewis Stone*	Magnificent Fraud *Akim Tamiroff Lloyd Nolan*		Way Down South *Bobby Breen Alan Mowbray*	News Is Made at Night *Preston Foster* Ware Case *Clive Brook*	They Shall Have Music *Jascha Heifetz Andrea Leeds* (G) (D)	I Stole a Million *George Raft Claire Trevor*	Daughters Courageous *John Garfield Priscilla Lane* (G) (D)	
July 28	Escape from Alcatraz *Brian Donlevy Jacqueline Wells*	Goodbye, Mr. Chips *Robert Donat* Miracles for Sale *Robert Young*	Island of Lost Men *Anna May Wong Truex Blore*	Colorado Sunset (O) *Gene Autry Smiley Burnette*	The Spellbinder *Lee Tracy Barbara Read*	Frontier Marshal *Randolph Scott Binnie Barnes*	Winter Carnival *Ann Sheridan Richard Carlson*		Cowboy Quarterback *Bert Wheeler Marie Wilson Gloria Dickson*	Singing Cowgirl (O) *Dorothy Page* (June 2)
Aug. 4	Hidden Power *Jack Holt Gertrude Michael*	Lady of the Tropics *Hedy Lamarr Robt. Taylor*	Night Work *Mary Boland Charlie Ruggles*	New Frontier (O) *John Wayne Ray Corrigan Raymond Hatton*	Bachelor Mother *Ginger Rogers David Niven* (A) (C)	Elsa Maxwell's Hotel for Women *Ann Sothern*	Four Feathers *Ralph Richardson Aubrey Smith*			
Aug. 11	Behind Prison Gates *Brian Donlevy Jacqueline Wells*	These Glamour Girls *Lew Ayres Lana Turner Tom Brown*	Our Leading Citizen *Bob Burns Susan Hayward*		Bad Lands *Robert Barrat Noah Beery, Jr.*	Chicken Wagon Family *Jane Withers Leo Carrillo Marjorie Weaver*	Man in the Iron Mask *Joan Bennett Louis Hayward* (G) (D)	Modern Cinderella *Charles Boyer Irene Dunne*		



The Movies March On!

Last week THE MOVIES MARCH ON was hailed by industry leaders and trade critics as "great entertainment" and as "a definite contribution to the industry."

And this week, from coast-to-coast, theatre managers and newspaper critics are unanimously re-echoing this enthusiasm. For overnight THE MOVIES MARCH ON—with its 30 big stars appearing in the greatest moments of the greatest pictures ever produced—has become a stellar attraction.

SEE IT—and you'll know why it is already *the most-discussed picture of the month.*



THE MARCH OF TIME

PRODUCED BY THE EDITORS OF TIME

RKO RADIO PICTURES

Steffes Keeps Post; $15,000 Salary Voted

MINNEAPOLIS, July 12.—Re-elected for a three-year term at an annual salary of $15,000 a year, W. "Al" Steffes today was busy pressing an extensive program of activity for the Allied Theatre Owners of the Northwest as a consequence of the annual convention of the organization here Tuesday.

Steffes had refused re-election, but making the presidency a salaried position induced him to change his mind.

The convention directed its officers to form a buying and booking combine, and a committee will be appointed to proceed with the organization. The committee will have a report ready for presentation to Allied by September 1, and another convention of the organization will be held the first part of the same month.

A resolution was passed condemning the code rejected here at the national convention. Another resolution condemned the practice of furnishing commercial films to the University of Minnesota. A committee was appointed to call on the board of regents of the University and make an effort to have the practice discontinued.

The convention also instructed its officers to see whether or not city councils could and would pass ordinances prohibiting beer taverns, dance halls and similar places from showing 16 mm films unless they had a theatre license.

Steffes is sending a letter to all members urging them to make only the minimum amount of film purchases until arrangements could be completed for the booking and buying combine. The letter also claimed that contrary to stories published in a trade publication there was no disharmony in the Allied organization.

Representatives of 95 theatres attended the convention. It was announced that 15 theatres in the Twin City area would close within the next week or ten days due to poor business and difficulty in getting suitable films.

Code Stand Evaded In Iowa, Nebraska

OMAHA, July 12.—Criticizing distributors because "some of them are not living up to the agreement," the M.P.T.O. of Nebraska and Western Iowa has decided to take no definite action on the trade practice code proposal. President C. E. Williams had called a special meeting to discuss the proposal.

The code probably will be voted upon when the exhibitor organization holds its annual convention here late in September. Exhibitors will study the proposal within their own districts during the next two months, Williams said.

General consensus favored the code "after some of the clauses are ironed out."

Taylor in 'Florion'

HOLLYWOOD, July 12.—No definite date has been set as yet for the start of production on Winfield Sheehan's production of "Florion." It is not expected to start for three or four weeks. It is reported that the film may star Robert Taylor.

Insider's Outlook

By SAM SHAIN

"FOUR FEATHERS," London reports, is breaking all box-office records in the United Kingdom. The latest advices are that this new Alexander Korda picture is heading for an all-time mark of approximately $1,300,000.

JAMES ROOSEVELT told an interesting story at the reception given for him by United Artists the other day. It is a story of the visit of the British King and Queen to the White House.

It seems that one day the Queen wanted to speak to her lady-in-waiting and, seeing a White House usher close by, requested him to summon the lady-in-waiting for her. The usher walked briskly towards the door, but when he reached the chamber of the lady-in-waiting he was timid about knocking on her door.

Then he noticed the Queen's maid going down the hall. He stopped her and asked if she wouldn't please rap on the door of the lady-in-waiting. The maid ignored him entirely and walked off without so much as acknowledging the usher's presence. The next thing the guests at the White House heard was the shrill voice of the usher, blaring through the building, "Oh, big shot, huh?"

ANOTHER story Roosevelt told was one about Fred Storm, the new studio publicity man hired by Samuel Goldwyn. Storm is a United Press correspondent in Washington and remains in that post until Saturday, when he joins the Goldwyn company (United Artists).

It seems that when Storm was asked to consider the post he expressed himself as surprised that anybody except a relative—a cousin, or nephew, or brother-in-law for instance—had been named to the post since he had heard that Hollywod producers employ only relatives.

"Father certainly would be surprised to learn then that he might be Goldwyn's cousin," replied Roosevelt.

JUST stop and think of it for a moment. Samuel Goldwyn has hired a fellow named Storm to represent him.

ELSEWHERE in this issue you will read that after all, Al Steffes couldn't resist a contract for three years as paid president of the Northwest Allied at $15,000 a year. Perhaps Steffes didn't know that the contract was in store for him as he kept insisting until the last minute that he was through being an active officer and executive of Allied.

FOURTEEN reels of "Gone With the Wind" have been completed, and without exception the reports from people who have seen it, are that it is an extraordinary picture. To David Selznick himself, it is the greatest picture ever made. Nevertheless, the producer, in his untiring thoroughness, is going to reshoot several of the sequences. Selznick is aiming for a perfect picture. The performances of Clark Gable, Vivien Leigh, Leslie Howard and Olivia de Havilland are, according to projection room reports, their finest to date, and that's what you might call an unseen preview.

The film will be given a premiere at Atlanta on Thanksgiving Day and Metro probably will decide on distribution plans for the film this week.

ERNIE EMERLING sends a note to say that when a theatre takes paid space to advertise an attraction at an opposition house, that's news! Nobody, probably, will disagree with him. Emerling reports that the manager of the Senate Theatre in Harrisburg, Pa., tagged his current advertisement with the following: "A Bow To 'Mr. Chips' . . . No picture this year has touched us so deeply, moved us so greatly. We hope everyone in town will see it at Loew's while it is there. 'Goodbye, Mr. Chips' is the finest film of our memory."

THERE is still another good story about a Loew's Theatre manager whose name is Sam Pearlman and who operates the Apollo Theatre on New York's East Side. Pearlman is something of a horticulturist and he has vines and flowers growing along the walls of the theatre's roof garden. These apparently weren't enough for Pearlman, because he also has tried his hand at agriculture, according to Emerling, and placed sweet potatoes in Mason jars filled with water. Now the spuds have sprouted, and it's time for the beetles.

NEITHER Floyd Odlum nor the Atlas Corporation is interested in Monogram, and vice versa, despite published reports.

Hollywood Brevities

HOLLYWOOD, July 12.—While critical acclaim for GINGER ROGERS' performance in the slightly peppery "Bachelor Mother" still echoes from the presses, RKO mentions VICTORIA LINCOLN'S "The Primrose Path," reported peppier, as purchased for the star with GREGORY LACAVA assigned to produce and direct. . . . LINDSLEY PARSONS' next production for Monogram will be a JACK RANDALL western known, thus far, as "Oklahoma Terror." . . . ROBERT SISK, who turned out "Career," will produce "Reno," the next RICHARD DIX film for RKO, with JOHN FARROW directing.

Title Trouble—Republic has decided "Smuggled Cargo" is a better name for it than "Mad Fury." . . . Universal has changed "Billion Dollar Racket" to "Missing Evidence," "Fury of the Tropics" to "Tropic Fury" and "Modern Cinderella" to "Give Us This Night," the latter a vehicle for the CHARLES BOYER and IRENE DUNNE of "Love Affair."

Players—DOROTHY LAMOUR and PRESTON FOSTER, he of "Union Pacific," are to co-star for Paramount in the appropriate-sounding "Typhoon." . . . RKO's current drive for name talent in castings nets SIR CEDRIC HARDWICKE of "On Borrowed Time" for "The Hunchback of Notre Dame" and GEORGE SANDERS, BRIAN DONLEVY and EDDIE QUILLAN for "Alleghany Frontier." . . . RITA JOHNSON, armed with a new M-G-M contract, goes into "The Return of the Thin Man," with WILLIAM POWELL and MYRNA LOY, the enterprise going to the stages July 15 with W. S. Van Dyke II, who directed "The Thin Man," again in charge.

ARTIE SHAW, jitterbug god, takes his band into M-G-M's "The Dancing Co-Ed," which has LANA TURNER batting for ELEANOR POWELL and ANN RUTHERFORD taking time out of her "Hardy Family" chores to play a part. . . . Paramount has optioned JUDITH BARRETT, one of its Golden Circle girls, because of her performance in "The World on Parade."

City of Cincinnati To Buy Music Hall

CINCINNATI, July 12.—The city has approved the plan to take over for $227,500 the 3,500-seat Music Hall, now in receivership.

Owners of first mortgage bonds have failed to operate it profitably because of the six per cent interest, plus amortization costs, they have been obliged to pay. The city's purchase will give them better than 30 cents on the dollar.

Music Hall, with the largest auditorium here, is used sporadically for entertainment of various types, sports events and exhibits, and occasionally for pictures under private sponsorship.

'Cottage' for Ginger

HOLLYWOOD, July 12.—RKO has purchased "Enchanted Cottage," play by the late Sir Arthur Wing Pinero, as a vehicle for Ginger Rogers for the 1939-'40 season, to follow "Primrose Path," her first for the new season.

Benny's Film Leads Frisco With $15,800

SAN FRANCISCO, July 12.—"Man About Town," paired with "Grand Jury Secrets" for high gross of $15,800 at the Fox. "Goodbye, Mr. Chips" did well at $7,500 in the second week at the St. Francis. "Maisie" and "You Can't Get Away With Murder" turned in a good $10,000 in the second week at the Warfield.

Estimated takings for the week ending July 3-7:

"Panama Lady" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 6 days. Stage: vaudeville. Gross: $13,000. (Average, $15,000)
"Good-Bye, Mr. Chips" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $7,500. (Average, $6,000)
"It Could Happen to You" (20th-Fox)
"Boy Friend" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $7,500. (Average, $11,500)
"Captain Fury" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 3rd week. Gross: $6,700. (Average, $8,000)
"Man About Town" (Para.)
"Grand Jury Secrets" (Para.)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $15,800. (Average, $16,000)
"Good Girls Go to Paris" (Col.)
"Outside These Walls" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $7,000. (Average, $8,000)
"Maisie" (M-G-M)
"You Can't Get Away with Murder" (W. B.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $10,000. (Average, $12,000)
"Courier of Lyons" (Pax Film)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $600. (Average, $1,000)
"Alexander Nevsky" (Amkino)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $1,100. (Average, $1,000)

Thermometer Takes Oklahoma City Toll

OKLAHOMA CITY, July 12.—With the thermometer rocketing toward the 100 degree mark, grosses uniformly suffered here. The highest total was $4,000 for "Goodbye, Mr. Chips" at the Criterion, but no theatre even reached average business on the week.

Estimated takings for the week ending July 6:

"Goodbye, Mr. Chips" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $4,000. (Average, $5,500)
"Return of the Cisco Kid" (20th-Fox)
"Torchy Runs for Mayor" (W. B.)
LIBERTY—(1,200) (15c-20c-25c) 7 days. Gross: $2,500. (Average, $2,500)
"Invitation to Happiness" (Para.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $3,000. (Average, $4,200)
"Tarzan Finds a Son" (M-G-M)
PLAZA—(750) (25c-35c-40c) 7 days. Gross: $900. (Average, $1,100)
"You Can't Take It With You" (Col.)
STATE—(1,200) (15c-20c-25c) 7 days. Return. Gross: $2,200. (Average, $2,500)
"It's a Wonderful World" (M-G-M)
TOWER—(1,000) (25c-35c-40c) 7 days. Gross: $2,200. (Average, $2,500)

Lutheran Church May Review Films

OMAHA, July 12.—A board of censorship to list "desirable" and "undesirable" films will be discussed by the United Lutheran Church in America when it holds its convention in Omaha next year, according to Dr. Frederick Knubel, president.

The organization has over 1,500,000 members. The board of "social missions" would be appointed to handle "improvement" of the films, he said, for guidance of the congregations.

Theatre, Personnel Changes

Bickerstaff Transferred

SAVANNAH, Ga., July 12.—Frank Bickerstaff is the new manager of the Bijou here. He was formerly assistant manager of the Palace in Athens.

Frisco House Gives Notice

SAN FRANCISCO, July 12.—United Artists, downtown first run house, has placed employes on two weeks' notice. Action was taken as a precautionary measure, to permit immediate shutdown if product runs short or business drops away too rapidly, due to competition from the exposition.

Reopen in Connecticut

WINDSOR LOCKS, Conn., July 12.—The Rialto here will be reopened on July 23, after complete renovation.

Form Nebraska Partnership

OMAHA, July 12.—Mrs. Leola Schuler of Humboldt, Neb., has pooled interests with Oscar Hanson, former manager of the Majestic at Hebron, Neb., and the pair have taken over the Plaza at Humboldt from D. L. Franks and closed it. Mrs. Schuler and Hanson will continue to operate the Humboldt at Humboldt.

Olson Joins Universal

OMAHA, July 12.—Ralph Olson, RKO salesman, has joined the Universal sales department in Des Moines. Olson was formerly with Universal out of the Omaha exchange.

Dismantle Columbus House

COLUMBUS, O., July 12.—Current dismantling of the 1,000-seat Majestic, in the heart of the downtown sector, substantiates the report that the house, operated under lease by RKO for a number of years, until closed a few weeks ago, will not reopen under circuit domination.

Buys Arkansas Theatre

FORDYCE, Ark., July 12.—Mrs. Mark Attwood has sold the Amuse U Theatre here to the Lee Williams Theatres Corp. of Oklahoma City, and R. B. Hardy has taken charge. The corporation plans to open another theatre here and to remodel the Amuse U.

Minnesota to Reopen

MINNEAPOLIS, July 12.—The Minnesota theatre, closed for more than a year, will re-open July 21 with Gordon Greene, formerly manager of the Palace, as manager. It is understood that price range will be 15 cents to 30 cents.

Ross Federal Transfers

Ross Federal Research Corp. has transferred R. L. Biggs, former supervisor and research salesman at Portland, Ore., to the Seattle branch as research salesman. Rico D. Tully, former national supervisor, has been named branch manager and director of research at Portland, Ore., replacing F. B. Gamble, forced to resign because of poor health.

Enlarge Texas Theatre

ALICE, Texas, July 12.—The Rex here will be enlarged to seat 950, with new sound and air conditioning to be installed.

Fingerprints

Film and Radio Stars Assure Identification

WASHINGTON, July 12.—Many motion picture and radio artists have insured their identification in the event of catastrophe by filing their fingerprint records with the Federal Bureau of Investigation, it was disclosed today by Director J. Edgar Hoover.

More than 1,300,000 such records have been received at the Bureau in the past six years and additional cards are coming in at the rate of 2,500 a day. The voluntary registrations are placed in a special file, entirely separate from the criminal records.

Among the artists who have recognized the value of having a positive means of identification permanently available, Hoover said, are Eddie Cantor, James Cagney, Freddie Bartholomew, Shirley Temple, Ginger Rogers and Virginia Bruce.

The radio group is represented by Freeman F. Gosden and Charles J. Correll (Amos 'n' Andy), Walter Winchell, Lowell Thomas, Boake Carter and Floyd Gibbons. Film producers are represented by Walt Disney and playwrights by Noel Coward, and the sports world by Jack Dempsey and James J. Braddock, among others.

Manages Georgia House

PANAMA CITY, Fla., July 12.—Joe Schmidt, recently manager of Martin theatres in Panama City, Bainbridge, Ga., and Atmore, Ala., has been named manager of the Martin Theatre in Valdosta, Ga. He succeeds Bill O'Neal, who is to be transferred elsewhere.

Take Over Irvington's Rex

Bema Amusement Corp., Emil Ulicney, president, and Sidney Seligman, secretary-treasurer, has taken over the operation of the Rex, Irvington, N. J., from Harry Kridel.

City Hall Reopens Sept. 5

The City Hall, Park Row, Manhattan, will reopen September 5 after being closed for the Summer.

Lido Will Stay Closed

Lido, Long Beach, L. I., will not be opened this year. It is usually operated for the Summer.

Another Brandt House

Carol Ann Theatres, Inc., (Harry Brandt) has taken over the operation of the Chaloner, Ninth Ave., Manhattan, from William Yoost. The house is closed for the Summer and will be re-named the Town when opened in the Fall.

Coney Island House Closed

Navarre, Coney Island, Brooklyn, has been closed.

Lido in Bronx Closed

Lido, East Fordham Road, Bronx, a Five-Boro circuit house, has been closed for the Summer.

Operate Bronx Theatre

Anna Binder and Benny Berman are the new operators of the Boro, Bronx. Former operator was Herman Savage.

New Frenchtown House

FRENCHTOWN, N. J., July 12.—New house, the Barn, has been opened here by Hugh Kent. It has 440 seats.

Kyser Tops L.A. Record; Hits $40,000

LOS ANGELES, July 12.—Kay Kyser and his College of Music, with "Grand Jury Secrets" on the screen, broke the house record at the Paramount, with a gross of $40,000. "Goodbye, Mr. Chips" was strong in its eighth week at the 4 Star, with $7,300, better than the previous week's gross.

Estimated takings for the week ending July 12:

"Stronger Than Desire" (M-G-M)
"They All Come Out" (M-G-M)
CHINESE—(2,500) (30c-$1.00) 7 days. Gross: $7,800. (Average, $12,500)
"Good-Bye, Mr. Chips" (M-G-M)
4 STAR—(900) (40c-50c) 7 days, 8th week. Gross: $7,300. (Average, $3,250)
"Clouds Over Europe" (Col.)
"The Forgotten Woman" (Univ.)
HILLSTREET—(2,700) (30c-65c) 6 days. Gross: $5,200. (Average, $6,500)
"Stronger Than Desire" (M-G-M)
"They All Come Out" (M-G-M)
LOEW'S STATE—(2,500) (30c-$1.00) 7 days. Gross: $8,900. (Average, $14,000)
"Clouds Over Europe" (Col.)
"The Forgotten Woman" (Univ.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $5,300. (Average, $7,000)
"Grand Jury Secrets" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: Kay Kyser and his College of Music. Gross: $40,000. (Average, $18,000)
"Captain Fury" (U. A.)
"The Man Who Dared" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. Gross: $13,000. (Average, $14,000)
"Captain Fury" (U. A.)
"The Man Who Dared" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross: $14,000. (Average, $12,000)

Lottery Warrants Asked in Milwaukee

MILWAUKEE, July 12.—Police have requested lottery warrants against Fox's Sherman and State here in connection with the giving away of an automobile. Whether the requests will be granted depends upon District Attorney Herbert J. Steffes, who is out of the city.

At Janesville, Circuit Judge Jesse Earle has under consideration testimony taken in a Sheckles injunction proceedings brought by District Attorney John H. Matheson against T. M. Ellis, Jr., and G. A. Turner, operators of the Rex, State and Majestic in Beloit.

The action against the theatres is the result of the recent State Supreme Court decision labeling Bank Night a lottery. The Beloit exhibitors contend that their game can be distinguished from Bank Night and that it contains elements taking it out of the class of a lottery.

Two Companies Formed

DOVER, Del., July 12.—National Vision Pictures, Inc., has been formed here to exhibit motion pictures with a capital of $10,000. The incorporators are Herbert A. Birrell, Long Island, N. Y.; Lowell M. Birrell and Robert H. Snyder of New York. Orion Productions, Inc., also has been incorporated by George V. Reilly, David H. Jackman and John E. Cosgrove of New York.

Editors to See Cartoons

Twenty New York fishing and hunting editors will see a preview of Walt Disney's latest shorts for RKO, "Wilbur and Goofy" and "The Pointer," today.

Italy Product Shortage Aids Independents

Independent producers and distributors are gathering a windfall in the Italian market as the shortage of American films available for exhibition there grows more acute, foreign managers recently returned from inspection trips abroad said yesterday.

Independents customarily forwarded prints to Italy for acceptance on approval. This led to the storing of many of their films in Italian customs warehouses for submission from time to time as product was needed in that market.

With the withdrawal of major distributors from Italy, these stores came into their own as the sole supply of American product on hand. They are being drawn on steadily by Italian authorities, according to reports.

Income from this source since the withdrawal of the major companies is estimated to have netted independents around $100,000 to date, and is continuing. Republic is mentioned as one of the leading beneficiaries of the development.

Adam Renews Pact To Broadcast Bouts

Adam Hat Stores has renewed its contract with the 20th Century Sporting Club and NBC for sponsorship of all important fights booked by Mike Jacobs' organization.

The series will start next month and will be broadcast over the Blue network. The entire Fall and Winter series of fights from Madison Square Garden, and all the championship bouts, will be covered in the series, which will be inaugurated with the Henry Armstrong-Lou Ambers lightweight title fight at Yankee Stadium Aug. 22. The contract calls for a minimum of 16 fights and broadcasts. Sam Taub and Bill Stern will describe the fights.

The schedule is as yet incomplete, but it will include bouts between Tony Galento and Lou Nova, Joe Louis and Bob Pastor.

London Hotel Denied License for Theatre

LONDON, July 12.—The Cinematograph Exhibitors' Association won its fight to forestall potential competition from film showings in hotels, when the London County Council today denied a license to the Savoy Hotel here for the operation of a newsreel theatre.

The London branch of the exhibitor association launched a vigorous protest against granting the license. Unofficially, it was indicated authoritatively today that the reason for the refusal of the license was the danger of setting a precedent for saloons, restaurants and other hotels.

Para. Host to NEA Group

HOLLYWOOD, July 12.—Twenty representatives of the National Education Association, en route home following the annual convention in San Francisco, were guests today at the Paramount studio. Hosts at a luncheon at the studio's Continental Cafe were Theodore Reed, director, and Betty Field.

BANNER RADIO LINES

By JACK BANNER

PAGING MISS BLUE . . . Practically everybody attending the NAB convention found perfumed notes in their hotel rooms last night, asking that a "Miss Blue" be called about an "interesting matter." "Miss Blue's" room and telephone number were given. The boys flew to their telephones to date the young lady, but "she" turned out to be the NBC Blue network contingent, and the "interesting matter" proved to be a terrific sales patter about the virtues of the Blue network.

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IN REWARD . . . WOR remained on the air until five yesterday morning to describe the efforts to rescue the two World Fair visitors who ascended in the parachute jump and were left dangling high in the air when a pulley jammed. WOR was the only station on the scene and rates a nod for remaining on the job until rescue efforts were completed at dawn.

Al Josephy of the station's special events staff was the man at the mike and he did a first-rate jump under trying circumstances. He drew a chuckle at the close when he dashed madly after the couple after they came down, to get them to say a few words into the mike. This was after Josephy had soliloquized repeatedly on the air that he would not impose on the trapped parachuters after their rescue because of the terrifying hours they had spent dangling in space. His reporter instinct got the better of his kindly intentions when they came down.

▼

PERSONALS . . . Zinn Arthur, band leader at Grossinger's, in town for the day yesterday . . . Bill Spires of McCann-Erickson's radio department and air actress-wife, Dorothy Lowell, returned yesterday from a Bermuda vacation . . . Nancy Sheridan, actress-wife of WNEW's Dick Bard, is playing Summer stock at Spring Lake . . . Fred Williams, a Philco manager, sailed on the *Normandie* yesterday . . . Emil Corwin of NBC will talk about radio before the Stamford Kiwanis Club members next Wednesday . . . Publicist Tom Fizdale returns today from three weeks in Chicago . . . Jane Ashman, writer of "Women in the Making of America," is conducting a radio workshop at Sarah Lawrence College, in return for a scholarship.

▼

A BRAVE TRY . . . Motion picture industry's short-wave programs to foreign countries get under way Monday over CBS. If the network and the Hays office allows, the picture that will be plugged during the German portion of the broadcast will be "Confessions of a Nazi Spy."

▼

NEW NBC PROGRAM . . . Enna-Jettick Shoe Co., which last season tested a program over WABC featuring Jimmy Shields and D'Artega's orchestra, will return the same cast to the air starting Aug. 20, but over NBC, 72 stations. Marschalk & Pratt placed the business.

▼

SAG PROGRAM STATUS . . . Tom Lewis of the Young & Rubicam agency left for Hollywood yesterday in connection with the Screen Actors Guild series. Gulf Oil has made no definite commitment to return the show to the air, but it's believed when Lewis comes back to New York he will have the contract in his pocket. Speaking of the status of Hollywood programs, it is expected that by today or at the outside by tomorrow, the talent lineup for the Maxwell House Coffee program will be in hand. Only artists definitely signed thus far are Fannie Brice and Meredith Willson.

Connecticut Theatre Golf Tourney Aug. 1

NEW HAVEN, July 12.—Connecticut M.P.T.O. will hold its fourth annual golf tournament at Racebrook Country Club, Aug. 1. The evening will be featured by dinner, entertainment and awarding of prizes. The committee includes Irving C. Jacocks, Jr., chairman; Ed Levy, secretary; Edwin S. Raffile, treasurer; Lou Anger, Leo Bonoff, Harold Eskin, B. E. Hoffman, Adolph Johnson, Arthur Lockwood, Sam Rosen, Harry F. Shaw and Max Tabackman.

Trade Pact Parley To Continue Today

Discussion of proposed changes in the arbitration provisions of the industry trade practice code and of problems in the way of making the pact effective will be continued today after an all-day session of major company sales officials yesterday.

William F. Rodgers, chairman of the distributors' negotiating committee for the code, who presided at yesterday's meeting, said that no statement would be issued until the discussions have been concluded.

Raise Ad Budget 30% On Six WB Pictures

HOLLYWOOD, July 12.—A 30 per cent increase in the advertising-exploitation budget for six pictures to be released this Summer was announced today by Jack Warner.

Joseph Bernhard, S. Charles Einfeld and Mort Blumenstock started conferences over seasonal releases. Pictures to get added expenditures are "Each Dawn I Die," "The Old Maid," "Indianapolis Speedway," "A Child Is Born," "Dust Be My Destiny" and "Daughters Courageous."

Columbia Dealing With Capra, Riskin

HOLLYWOOD, July 12.—Frank Capra and Robert Riskin, who this week formed Frank Capra Productions to produce independently, as yet have come to no definite decision as to the major company through which they will release their product.

Negotiations are still under way between the two principals and Columbia, which Capra served as ace director for more than a decade. It had been reported that they might release their product through United Artists.

Thomson Hits At Whitehead As Trial Ends

(*Continued from page* 1)

S.A.G. for industrial productions, by American Federation of Radio Artists and by the A.F.A. No one union could afford the expense but it would have been practicable if all [illegible] shared, but the A.F.A. declined to act, Thomson added.

Alan Corelli, of the Theatre Authority which controls benefits, declared that the A.F.A. violated the rule requiring gifts of relief funds and insisted that money be repaid. He cited several cases where the A.F.A. refused relief because performers were in arrears for several months' dues.

Council meetings were held only when Whitehead was in town, Corelli said, and Whitehead's proposals were vetoed only two or three times in four years. Membership meetings were attended by 100 at the most, and at the last election meeting only 50 were present, Corelli said.

According to the accountant's report, Whitehead received $125 weekly as salary and Harold Koenigsberg, his assistant, $40.

Thomson told of a trip to New York when the I.A.T.S.E. threatened to invade S.A.G. jurisdiction in the Fall of 1937. All 4-A unions promised cooperation, but the A.F.A. refused, Thomson declared.

Amusements Issue Fair Strike Notice

In an ultimatum served yesterday on Grover Whalen, president of the World's Fair, three-fourths of all concessionaires in the Amusement Area threatened to go on strike unless the 75 cents admission price to the Fair is reduced to 50 cents. All shows threatened to close within 48 hours if their demand is not met. Concessionaires said their business is so slow that they are "starving to death."

Ask for Receiver

WILMINGTON, Del., July 12.—A bill asking appointment of a receiver for the dissolved Pacific National Theatres, Inc., rather than the appointment of the directors as trustees in dissolution, has been filed in the Court of Chancery here by two San Diego, Cal., stockholders. The plaintiffs are Margaret M. Stevens and W. Ernest Choate. The corporation, which operated theatres in California, was dissolved in April, 1937.

F C C Calendar

WASHINGTON, July 12.—The Federal Communications Commission today began the compilation of its calendar of hearings for next Fall, tentatively assigning the following dates:

Sept. 13: Application of Hot Springs Broadcasting Company for a new 1,310 kilocycle station with 100 watts night, 250 watts day, at Hot Springs, Ark., and Station WLAP, Lexington, Ky., for increase of power from 100 watts night, 250 watts day, to 1,000 watts and change of frequency from 1,420 to 1,270 kilocycles.

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 9 NEW YORK, FRIDAY, JULY 14, 1939 TEN CENTS

Actors Brand Trial 'Farce'; New Denials

AFA Assails Testimony As 'Ridiculous, False'

After having withdrawn at the outset from the trial before the Associated Actors and Artistes of America, the American Federation of Actors yesterday undertook an answer to the testimony through the medium of a press release. Denied a stenographic copy of the minutes, the reply is based on news accounts of the trial.

Testimony at the trial was called "ridiculous, fantastic and utterly false" by A.F.A. officials who stated that the "cards were stacked" against the organization. Total of $5,133 was paid to approximately 200 actors for relief and notes for repayment were never solicited, the statement said, nor has any effort been made to collect such funds.

Also denied was the charge that the A.F.A. refused cooperation to other branches. The A.F.A. cited an instance where it had sought the aid of other 4-A unions for a strike at the Hotel Sherman, Chicago, but had been told it would have to wait for individual action by executive boards of the branches which would have delayed the matter for a month

Council meetings were as well attended as those of other branches, and the attendance of Sophie Tucker, Rudy

(*Continued on page 6*)

Harry Knox Quits As Erpi Executive

Harry G. Knox yesterday tendered his resignation as vice-president of Erpi in charge of engineering, a post he has occupied for the past nine years. The resignation is effective tomorrow.

Knox acted on the advice of his physician and will take a year's rest but will be retained by Erpi in a consulting capacity during that time.

Knox entered the industry in 1926 to organize the service department of the Vitaphone Corp. for handling installation and maintenance of Western Electric theatre sound equipment. When Erpi was formed the following year to take over the work done by Vitaphone, Knox was made service manager of the new company.

Subsequently he served as managing director for Western Electric in London was in charge of Erpi's western division in Hollywood and then was named to his present post.

Hollywood Labor Front Hears IA Verdict Today; CIO Massing In Studios

Los Angeles, July 13.—Figures in the motion picture industry labor circles today awaited the decision of Superior Judge Henry M. Willis tomorrow afternoon in the counter suits in the fight between officers of Technicians Local 37 and International I.A.T.S.E. for control of the local as one of the most important labor cases affecting production crafts.

Final arguments were started today by both sides as A. Brigham Rose, counsel for deposed local leaders, declared the Alliance operated as a company union for the benefit of producers. George Breslin, head of the legal phalanx for the International, contended the Alliance acted according to its rights in suspending charter and ousting the studio unit's officers.

Judge Defines Issues

Cautioning against vituperativeness, Judge Willis declared that the important issues in the case are whether rights of Local 37 members under the Federal constitution were infringed upon and whether the International acted according to its constitution and by-laws.

The principal behind-the-scenes issue, however, is determination of the right of the International labor organization to funds, furnishings and other property of its locals as well as its power to revoke the charter and suspend officers.

At stake is approximately $100,000 in the local's bank account held by the court pending outcome of the suits.

CIO Guild Awaits Verdict

Activity of the CIO-financed United Studio Technicians Guild of North America, which has filed for N.L.R.B. certification as bargaining agent for all crafts now in the 10 I.A.T.S.E. locals here, has been held in abeyance until the decision in the I.A.T.S.E. trial.

As soon as the verdict is announced, according to U.S.T.G. leaders, a call will be issued for a mass meeting of studio workers. The names of anonymous leaders will be revealed at that time.

Bargaining Delayed

I.A.T.S.E. intramural bickering has delayed the start of bargaining negotiations with Pat Casey, producers' labor contact officer, although three of the local's sound men, photographers and laboratory technicians have made formal demands for collective bargaining agreement, wage scales and working conditions.

The I.A.T.S.E. withdrew several months ago from the basic studio

(*Continued on page 5*)

Deny Report Allied Balks Hopkins' Bid

Washington, July 13.—Reports that Allied had rejected an invitation of Secretary of Commerce Harry Hopkins to confer with Department of Commerce officials were denied today in both departmental and Allied circles.

At the department it was said there was no change in the situation and that the invitation extended the exhibitor group was still in force.

Speaking for Allied, Abram F. Myers, general counsel, said the Association has neither accepted nor rejected the bid, and did not expect to act on the matter while the Neely bill is pending in the Senate.

Allied officials refused to comment on the New York group's stand on the code.

Alliance, Principal In Deal on 36 Films

A combination of Alliance Films and Principal Pictures is being completed for selling and distributing a program of 36 features.

Alliance, headed by Budd Rogers, will contribute 12 features from John Maxwell's Associated British Pictures output, while Principal will contribute the other 24, all to be obtained from independent Hollywood producers. S. S. Krellberg is the head of Principal.

Alliance will share space in the Principal exchange here. Opening of other exchanges in key cities is under consideration. The Rogers' company will be in complete charge of sales and distribution for the combined program and will share in a percentage of the receipts from Principal's 24 releases.

Details of the deal will be made known on completion of arrangements early next week.

Theatres Ask For Reduction In Clearances

Plea Made In Answer to Higher Rentals

Suggestions for reductions in clearance schedules between first runs and neighborhood theatres are being advanced by the latter in many large cities in answer to current efforts of distributors to obtain increased revenue from the neighborhood houses, it was revealed here yesterday.

For several seasons past distributors have been searching for a formula which would realize additional revenue from neighborhood theatres in proportion to the loss of patronage to first run houses with its consequent lowering of receipts from them.

However, they frown on the suggestion of reduced clearance for first runs, contending that a move of that kind would result only in further reducing first run patronage and revenue.

Sales officials hold that increased rentals are not the only solution in realizing increased revenue from the neighborhood houses but that their problem could be overcome as well by an increase in the number of subsequent runs deals sold on percentage and an increase in the number of pictures bought on an individual contract by those houses.

Subsequent run exhibitors contend also that the loss of revenue to distributors from first runs during recent years is compensated for by the increase in the number of neighborhood theatre accounts which has resulted from the large amount of theatre con-

(*Continued on page 2*)

Social Security Bill Delays Neely Action

Washington, July 13.—Though the Senate continued to be occupied with social security legislation, Senator Neely today expressed renewed hope for early action on his block booking bill.

Neely asked permission to have printed in the Congressional Record his entire bill as modified by his amendments which relax the synopsis provisions, thus providing for a general outline and statement of treatment instead of the complete and true script as originally required, and to substitute the term "aggregate" for "designated" in the price-fixing provisions of the block booking section.

Theatres Ask For Reduction In Clearances

(*Continued from page* 1)

struction outside of main business sections.

The new theatre trend has practically confined all construction to neighborhood areas for the past six to 10 years. In that time, no new first run theatres have been erected in downtown areas of such leading cities as Chicago, Philadelphia, Detroit, Boston, San Francisco and Cincinnati.

The Music Hall, now almost eight years old, was the last de luxe first run constructed in New York. In all principal cities, however, numerous de luxe neighborhood houses have been built during that period.

However, this increase of new theatres in the neighborhoods apportions the patronage weaned away from the first runs among many houses. Exhibitors argue that this fact explains why they are unable to pay any appreciably larger amount for film without some compensating consideration, such as reduced clearance between themselves and first runs.

The trend of patronage away from first runs and into the neighborhoods dates back to the advent of sound, in the opinion of many industry executives. At that time, downtown houses began eliminating vaudeville, stage shows and orchestras. At the same time, large de luxe houses were being constructed in greater numbers in neighborhood locations all over the country. The two developments acted to reduce the attraction of the downtown "palaces," which were as popular in their heyday as showplaces as they were for their shows.

Lower neighborhood admission scales won many patrons during the lean depression years and the habit persisted. Other factors in the patronage exchange which are commonly cited are the traffic and parking problems of the motorized theatre trade in downtown areas, as compared with neighborhood conditions, and the giveaways, games and duals, more frequently encountered in the smaller theatres.

A succession of mediocre product, too, contributes to the trend, as many potential patrons will not visit a theatre outside their immediate neighborhood except to see an unusual attraction.

Loew's Leads Ball League, Second Half

Second half season of the Motion Picture Baseball League is under way with Loew's enjoying the lead. Paramount and Consolidated play today. Skouras and NBC are scheduled tomorrow. Team standings follow:

	Won	Lost	Percentage
Loew's	3	0	1000
Cons. Film I.	1	0	1000
Rock. Center	3	1	.775
Paramount	1	1	.500
RKO	1	2	.333
NBC	0	1	.000
Columbia	0	2	.000
Skouras	0	2	.000

Air Express Increases

Gross revenue for the nationwide air express service of the Railway Express Agency increased during May 39 per cent over May, 1938.

Purely Personal

VISITORS to Paramount's World's Fair headquarters in the home office yesterday included Mr. and Mrs. EMMETT BARNES, McKeesport, Pa.; ERNEST FEGTE, Paramount art director from the coast; ROY SMART, division theatre manager for the Wilby-Kincy circuit in Charlotte, N. C., and Mr. and Mrs. CARL A. POKE and son of Pittsburgh, Pa.

•

SIR CEDRIC HARDWICKE has replaced BASIL RATHBONE in RKO's "The Hunchback of Notre Dame," RATHBONE withdrawing because of a prior commitment with Universal. As a result it has been necessary to replace HARDWICKE in RKO's "Allegheny Frontier," with GEORGE SANDERS.

•

MIKE MOODABE, 20th Century-Fox partner in the operation of 60 New Zealand theatres, left for the coast by train with MRS. MOODABE last night en route to their home after a month's visit here. They sail from Los Angeles July 19 on the *Monterey*.

•

MR. and MRS. W. N. HUMPHREY of the De Luxe Theatre, Port-of-Spain, Trinidad, and N. B. FAIR of the Fair in Summerville, Tenn., among the exhibitors here to see the World's Fair.

•

DEL GOODMAN, 20th Century-Fox Far East supervisor, is in Chicago visiting his family prior to coming to New York for conferences with WALTER HUTCHINSON, foreign manager.

•

JAMES STEWART arrived from the coast by plane yesterday for work in Washington in connection with Columbia's "Mr. Smith Goes to Washington" and for a brief visit here.

•

CLAY V. HAKE, 20th Century-Fox managing director for Australasia, is en route to the coast by train. He sails from Los Angeles for Sydney on the *Monterey*, July 19.

•

MARC CONNELLY, Pulitzer prize winning playwright, reported to Paramount to begin writing the screen version of JOSEPH CONRAD'S "Victory."

•

MAX MILDER, managing director of Warner Brothers Pictures, Ltd., London, is due in New York Monday from England on the *Queen Mary*.

•

DONALD CRISP, Warner player, leaves the coast tonight for New York, en route to Europe for an extended vacation.

•

ALLAN LANE has left the coast on a motor trip to the east, following completion of work in "Conspiracy," at the RKO studio.

•

GEORGE SHERMAN, director of Republic's GENE AUTRY film, "Colorado Sunset," is in New York for a 10-day visit.

•

GEORGE RAFT is due in New York early next week for the opening of "Each Dawn I Die" at the Strand shortly.

•

ED SCHNITZER, Warner eastern district manager, returns today from a business trip to Boston and New Haven.

FRED ULLMAN, Pathe News vice-president, will leave New York over the weekend for the west to line up three pictures for next season's Sportscope and Reelism series of shorts. He will visit Reno, the Imperial Valley in California and the King Ranch in Texas.

•

ROBERT MARHENKE, manager of the Broadway, Baltimore, and R. E. BRENNAN, manager of the Orpheum, Green Bay, Wis., and MRS. BRENNAN, were visitors to the Round Table Club while in New York to see the World's Fair.

•

BRUCE CABOT on Saturday will sail from Marblehead, Mass., on a two-month cruise with MR. and MRS. FRANKLIN D. ROOSEVELT, JR., and a party on a chartered sailboat.

•

GENE SNYDER has returned to his Music Hall post as co-director of the Rockettes, after staging the dance numbers in the new Broadway musical, "Yokel Boy."

•

ARTHUR BORAN, Paramount player, will be a guest star Monday night at the Piccadilly circus restaurant in the Hall of Special Events at the World's Fair.

•

ARTHUR WARTHA, manager of the Roxy, Indiana-Illinois Circuit house at LaPorte, Ind., is in town to visit the World's Fair.

•

M. B. HUSTLER, Fox Capitol, Sacramento, Cal.; SAMUEL NEAMAN, Roxy, Natrona, Pa., in town to visit the World's Fair.

•

RICHARD ROWLAND is en route to the coast following a brief visit in New York.

•

HERMAN FUCHS, RKO Pathe music editor, will leave New York tonight to visit the RKO studio.

•

EUREGA ELOY DAVID of RKO is vacationing at the Buskill Falls Hotel in the Poconos.

First Five Films Set By Judell Company

HOLLYWOOD, July 13.—First five pictures on the new season production schedule of Producers Pictures Corp., which was organized recently with Ben N. Judell as president, have been set. First to go will be "Texas Renegades," inaugurating a new series of eight westerns starring Tim McCoy. Shooting is slated to start July 24.

In August a series of eight "Tales of Billy the Kid" will get under way with "The Man from Oklahoma," featuring George Houston, as the first. During the same month "Wanted for Murder" will go into production. These will be followed by "The Island of Fear," based on Jack London's "A Thousand Deaths," and the special production, "Hitler—The Beast of Berlin," a story of persecution under the Nazi regime.

'Geste' Preview Tuesday

HOLLYWOOD, July 13. — Paramount will hold the world press premiere of "Beau Geste" at the Carthay Circle in Los Angeles next Tuesday. The film co-stars Gary Cooper, Ray Milland and Robert Preston.

Code Changes Pressed; Fair Trial Favored

Major company sales executives will continue their discussion of proposed changes in the arbitration provisions of the industry trade practice code today or Monday, William F. Rodgers, chairman of the distributors' negotiating committee, said yesterday.

The sales executives met yesterday for the third time this week. The session lasted until early evening. Rodgers said that no statement would be issued until the discussion is concluded, but in reply to a question, asserted that he was as "optimistic as ever" about the code's chances of being put into effect in the near future.

"There are many who would like to see the code abandoned," he said, "but I know from numerous messages received daily that by far the larger number are anxious to see it given a trial."

'Iron Mask' Strong Music Hall Magnet

Topping all opening day grosses since Easter Week at the Music Hall, "The Man in the Iron Mask" took an estimated $13,500 there yesterday. With the lobbies full, waiting lines extended into the street several times during the day.

"Second Fiddle" continued a strong pace at the Roxy in its second week with an estimated $35,000 and it is held over for a third. "Indianapolis Speedway" starts at the Strand today. Third week of "Daughters Courageous" drew an estimated $25,000 in the last week.

Lederer in Radio Play

Francis Lederer will be heard in "Paris Bound," Philip Barry's play, on the "Knickerbocker Playhouse" series over CBS on July 19. Margo, who is Mrs. Lederer, will play opposite her husband.

Shirley Booth Signed

Shirley Booth, appearing with Katherine Hepburn in the Broadway stage show, "Philadelphia Story," has been signed to the cast of the "Rise of the Goldbergs" serial strip, heard daily over CBS.

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"ON BORROWED TIME" GETS GREAT PRESS REVIEWS!

Use them!

"One of the outstanding pictures of the current season."
—KATE CAMERON, *N.Y. Daily News*

"One of the most unusual pictures to come to the screen." —M. P. HERALD

"A daring and unusual photoplay . . . Immensely novel and intriguing . . . Fascinatingly different from the general run of screen offerings."
—HOWARD BARNES, *N.Y. Herald Tribune*

"For people who value the unexpected in movies, 'On Borrowed Time' will be an absolute command performance..."
—ARCHER WINSTEN, *N.Y. Post*

"A beautiful and exhilarating picture... High above the run-of-the-mill movie entertainment. You will be proud of it."
—BLAND JOHANESON, *Daily Mirror*

"Very definitely a 'must'. Right up near the top of the 10 best pictures of 1939. There won't be very many more to beat it."
—LEO MISHKIN, *Morning Telegraph*

"Beautiful entertainment...vital, alive and penetrating . . ."
—WILLIAM BOEHNEL, *N.Y. World-Telegram*

"Far off the beaten path . . . keeps its audiences chuckling . . . well worth seeing." —EILEEN CREELMAN, *N.Y. Sun*

"Surely this is one of the first-rate movies, a kind too seldom seen."
—ARTHUR POLLOCK, *Brooklyn Eagle*

"Tremendous emotional appeal . . . Warm, heart-appealing drama."
—SHOWMEN'S TRADE REVIEW

"Retains the richness of human and spiritual qualities of the original . . . Warm and sincere." —VARIETY

"A highly successful play, equally appealing as a picture . . . deft, engaging, unusual." —M. P. DAILY

"A beautifully human story . . . excellent." —FILM DAILY

"A laudable entry for Academy honors." —HOLLYWOOD REPORTER

"Will move and delight you."
—JIMMIE FIDLER

"Metro has produced a beautiful film which should meet with wide acclaim . . . Unusual entertainment."
—BOX OFFICE



A SMART OSTRICH!

He keeps his head out of the sand and sees what's going on!

M-G-M's magnificent film
"On Borrowed Time" is the answer
To the public demand for
Something different on the screen!
Early engagements are
Excellent at the box-office
And excellent for the standing of
The exhibitor and his theatre
In the community!
That's important!
Promote "On Borrowed Time"
With all your showman skill!
It pays back in dividends today
And good-will all year!

with Lionel Barrymore, Sir Cedric Hardwicke, Beulah Bondi, Una Merkel, Bobs Watson, Nat Pendleton, Henry Travers, Grant Mitchell. Screen Play by Alice D. G. Miller, Frank O'Neill and Claudine West. Directed by Harold S. Bucquet. Produced by Sidney Franklin. An M-G-M Picture

MPORTANT!



M. P. Herald says:

"'On Borrowed Time' must be seen from the beginning. Patrons coming late will not find out what it's about and will miss its rich satisfaction."

Here's how to do it in ads and lobby!

SEE IT FROM THE BEGINNING FOR YOUR BEST ENJOYMENT
Feature starts at:
10:15 12:35 2:55 5:15 7:35 9:55 12:15

'About Town' Is Denver Hit With $11,500

DENVER, July 13.—"Man About Town" stood them up every night at the Denham and took $11,500. "Goodbye, Mr. Chips" and "Fixer Dugan" at the Orpheum took $12,000.

Estimated takings for the week ending July 12:

"Young Mr. Lincoln" (20th-Fox)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: $3,500. (Average, $3,500)
"Man About Town" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: $11,500. (Average, $6,500)
"Suzannah of the Mounted" (20th-Fox)
DENVER—(2,525) (25c-35c-40c) 7 days, stage show. Gross: $9,500. (Average, $9,000)
"Goodbye, Mr. Chips" (M-G-M)
"Fixer Dugan" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $12,000. (Average, $8,500)
"Ex-Champ" (Univ.)
"House of Fear" (Univ.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $3,500. (Average, $3,500)
"East Side of Heaven" (Univ.)
"Big Town Czar" (Univ.)
RIALTO—(878) (25c-40c) 7 days, "East Side of Heaven" 3rd week. Gross: $2,000. (Average, $1,750)

Wisconsin Theatres Facing New Tax Bill

MILWAUKEE, July 13.—There is a strong likelihood that a new revenue measure, including a tax on theatres, will be introduced in the Wisconsin Assembly, in the opinion of observers here.

The Assembly has rejected the Alfonsi-Grobschmidt amendment to the administration's tax measure, which provided for an occupational and gross income tax on theatres. It is pointed out that a new measure probably will be introduced to compensate for an $8,241,569 revenue shortage not provided for in the present bill. The measure has passed the Assembly and will go to the Senate for action.

Columbia Simplifies Corporate Setup

ALBANY, July 13.—Merger of Columbia Pictures Corp. of California, Ltd., studio subsidiary, and Columbia Pictures Distributing Co., Inc., distribution subsidiary, with Columbia Pictures Corp., parent company, has been completed here. The mergers were undertaken to simplify the corporate structure. Legal work was handled by Schwartz & Frohlich of New York City, counsel for Columbia.

Exhibitors Ask Veto of Bill Hitting Duals

CHICAGO, July 13.—Edward Zorn, president of the newly-organized United Exhibitors Association, is advising downstate exhibitors to send telegraphic appeals to Governor Horner, asking him to veto the bill limiting film shows to 135 minutes. The organization consists mainly of downstate circuits, including Great States, Alger and Anderson.

CBC Names M'Arthur

MONTREAL, July 13.—D. C. McArthur has been appointed press and information representative for Canadian Broadcast Corp. in the Ontario region, with headquarters in Toronto. McArthur for the past five years has been with the McLean Publishing Co.

Key City Theatre Grosses Show $1,168,750 Upturn

THE aggregate of theatre grosses in key cities over the country showed an upturn for the weeks ending June 22-23 and June 29-30, as compared with the earlier weeks of the Summer.

For the week ending June 29-30, a total of 138 theatres reported an aggregate gross of $1,168,750, according to MOTION PICTURE DAILY'S compilation, while 137 houses grossed a total of $1,150,960 for the week ending June 22-23.

Following is the tabulation of weekly key city grosses:

	No. Theatres	*Gross*
Sept. 8- 9	138	$1,572,099
Sept. 15-16	137	1,407,481
Sept. 22-23	138	1,382,059
Sept. 29-30	137	1,398,438
Oct. 6- 7	137	1,519,793
Oct. 13-14	138	1,429,288
Oct. 20-21	138	1,430,924
Oct. 27-28	140	1,394,023
Nov. 3- 4	142	1,353,407
Nov. 10-11	141	1,386,939
Nov. 17-18	143	1,323,918
Nov. 24-25	141	1,283,153
Dec. 1- 2	142	1,461,730
Dec. 8- 9	140	1,275,136
Dec. 15-16	134	1,159,371
Dec. 22-23	139	1,041,911
Dec. 29-30	150	1,562,044
Jan. 5- 6, 1939	151	1,829,822
Jan. 12-13	145	1,372,400
Jan. 19-20	146	1,368,322
Jan. 26-27	145	1,345,715
Feb. 2- 3	147	1,469,400
Feb. 9-10	147	1,494,600
Feb. 16-17	146	1,393,100
Feb. 23-24	147	1,417,700
March 2- 3	146	1,400,000
March 9-10	147	1,352,050
March 16-17	155	1,366,800
March 23-24	154	1,439,600
March 30-31	151	1,322,225
April 6- 7	151	1,283,100
April 13-14	154	1,639,300
April 20-21	149	1,432,900
April 27-28	151	1,401,600
May 4- 5	154	1,386,280
May 11-12	155	1,352,845
May 18-19	154	1,318,300
May 25-26	155	1,274,050
June 1- 2	153	1,256,050
June 8- 9	143	1,141,700
June 15-16	141	1,133,950
June 22-23	137	1,150,960
June 29-30	138	1,168,750

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Newsreel Parade

New issues feature national defense. Reels and their contents follow:

MOVIETONE NEWS, No. 88—Couple suspended in mid-air at Fair. Japs shut open door to China. King and Queen at agricultural show in England. Speed gas mask production in Maryland. New giant cannon for army. McNutt named to Federal Security post. Emperor Annam feted in Paris. French fleet arrives in New York harbor. All-Star baseball game. Massachusetts handicap race. Lew Lehr.

NEWS OF THE DAY, No. 28—Thos. S. speeds preparedness program. Coast artillery in practice. Small submarine dives in Hudson. McNutt in national spotlight. Japs capture Swatow. British planes in test flight. East side youngsters leave for camp. All-Star game. Massachusetts Handicap.

PARAMOUNT NEWS, No. 99—Test small submarine. Army rushes gas mask production. Coast Guard in accuracy drill. Annual All-Star game.

RKO PATHE NEWS, No. 103—Neutrality vote deferred. Roosevelt names McNutt for Security post. French fleet celebrates Bastille Day in New York. Bridges faces deportation charges. Flame-resisting glass is developed. U. S. fleet visits Canada. Americans beat Nationals at Yankee Stadium.

UNIVERSAL NEWSREEL, No. 788—Coast Guard tests new guns. WPA strike in Detroit. Chemicals used in war preparedness. Man operates submarine alone. Religious celebration in Italy. Charlie McCarthy visits Fair. Bathing beauty contest in Coney Island. All-Star game. Auto race. Girl boxing matches.

Para. to Negotiate Lucas, Jenkins Deal

Negotiation of a new operating contract with Lucas & Jenkins for the 31 Paramount theatres in Georgia now under the management of that partnership is scheduled to start within the next few weeks. Current five-year operating agreement expired July 1 but is continuing in force until such time as a new agremeent is completed.

Paramount officials yesterday denied that any decision had been made on a successor to George Trendle as operating manager of the United Detroit Theatres. They stated, however, that the decision would be made within the next two weeks and that someone from within the Detroit operating organization would be appointed.

Grainger in Boston For Sales Parleys

James R. Grainger, Republic president, is in Boston for sales meetings, and is due to return to the home office Monday.

Grover C. Parsons, Pacific coast district manager for Republic, and J. T. Sheffield of Seattle, Northwest franchise holder for the company, are due in New York early next week for conferences with Grainger on a contract for the 1939-'40 Republic product with Fox West Coast.

Denver Outing Aug. 16

DENVER, July 13. — Golf, bridge, horseshoes, dining and dancing will form the main attractions at the annual picnic of the Rocky Mountain Screen Club, which has been set for Aug. 16 at Evergreen, Col.

Paramount Title Changes

Two title changes were announced yesterday by Paramount. "Ruler of the Seas" has been changed to "Ruler of the Sea" and "Double-Dyed Deceiver" has been changed to "The Llano Kid."

Short Subject Reviews

"Popular Science"

(*Paramount*)

In Cinecolor, this Popular Science release opens by showing devices for saving lives utilized by the U. S. Coast Guard. Remaining sequences deal with polaroid, the glare-eliminating glass; the building and racing if miniature automobiles; a catapulting device for trout fishing; an electro-magnet in an actual operation showing how it removes steel splinters from the eyes of industrial workers; and a number of bathing devices such as bathing suit smoking kits, a life-saving belt, etc. 11 minutes.

"Hello, How Am I?"

(*Paramount*)

Olive Oyl summons Popeye to her home for a hamburger feast and, of course, Wimpy hears of the invitation. Popeye is enroute to Olive's house when he meets another Popeye and, of course, is flabbergasted. Wimpy, in Popeye disguise, succeeds in convincing Olive that the real Popeye is a fake. Finally and in inevitable fashion, Popeye tires of the nonsense, gobbles up some spinach and proceeds to mop up the house with the imposter. 7 minutes.

"Yip-Yip-Yippy"

(*Paramount*)

Max Fleisher introduces a new cartoon character in this one, a horse named Vanilla. He proves to be quite a fellow, does Vanilla. The action opens in a western town with the "bad man" shooting up the burg. A soda-fountain clerk appoints himself sheriff, and with the aid of Vanilla, the bad man winds up in stocks. 7 minutes.

"Colombia"

(*Paramount*)

An interesting travelogue dealing with the rugged beauties of Colombia, most mountainous country in South America. The reel divides the ancient Colombia from the modern. Colombia's coffee growing and gold industries and the cable suspension railways that span the land are shown. 10 minutes.

"Pictorial"

(*Paramount*)

The three clips in this reel deal with storks, monkeys and Alaska. The first deals with the domestic habits of the harbingers of blessed events, showing how they feed their young, teach them to fly and protect themselves. Human habits of spider monkeys, orang-utans and gibbons are presented interestingly in the second; and misconceptions about Alaska are exposed in the finale. 10 minutes.

Film 'Swanee' in Color

HOLLYWOOD, July 13. — Twentieth Century-Fox has decided to film "Swanee River" in color. The musical, combining the stories of E. P. Christie and Stephen Foster, will star Don Ameche and Al Jolson.

Previews of Films

"Should Husbands Work"

(*Republic*)

HOLLYWOOD, July 13.—Domestic comedy is the entertainment substance of "Should Husbands Work," third number in Republic's "Higgins Family" series. No radical departures have been incorporated in the original screenplay by Jack Townley and Taylor Caven or in the Sol C. Seigel production which Gus Meins directed. Rather with the three Gleasons, James, Lucille and Russell, and Harry Davenport, Marie Wilson, Berton Churchill and Henry Kolker swinging into the spirit of things, the laughs are the result of old fashioned gags, deftly developed in dialogue, action, situations and characterizations.

James Gleason, fearful that a cosmetic firm merger will entail the loss of his job, strives valiantly to make a favorable impression upon new partner Churchill. Meanwhile, his wife, impelled by a similar fear, paints an unfavorable picture of Kolker's firm. With some hilarious bits of comedy, featuring Russell, Davenport and Miss Wilson, Lucille, to save her husband's future, appears for him at a meeting and winds up by being appointed to the new job. But when every one discovers that James is the one who must be depended upon, the show rushes to an all's-well-that-ends-well climax. Running time 65 minutes. "G."*

"In Old Caliente"

(*Republic*)

Complications presented by the eternal triangle—Mary Hart and Katherine DeMille pursuing Roy Rogers—are added to the usual western formula of the dishonest ranch foreman who robs his employer. The result is a well rounded, frequently amusing, action film which should please devotees of the popular Rogers-Hart team.

The film is highlighted by the performances of Miss DeMille, Jack La Rue and George "Gabby" Hayes in the supporting roles. Miss DeMille, as the senorita who wages a losing battle for Roy's heart; La Rue, in his customary role as villain, and "Gabby" who supplies the frequent humorous interludes, are excellently cast.

Set in California in the pre-Civil War days, the story is one of a Spanish landowner (Frank Puglia) who hires Roy. A holdup is engineered with the assistance of La Rue, the ranch major domo, and Roy and "Gabby" are suspected. They succeed in tracing the bandits but are trapped with the gold in their possession. Although the pair is arrested they succeed in telling their story to Puglia but the latter is shot down by La Rue.

Wanted this time for murder, Roy hides. He enlists the aid of Paul Marian, the rancher's son, and they prepare a trap. Instead of accepting payment for cattle in gold coin, they ask that it be smelted into a ball too heavy for one man to handle. When the bandits make their second raid, they lose time in trying to pack the gold ball and, as a result, are captured.

Joseph Kane was associate producer and director. Norman Houston and Gerald Geraghty wrote the screen play, an original.

Running time, 57 minutes. "G." ED GREIF

*"G" denotes general classification.

Labor Awaits IATSE Suit Ruling Today

(*Continued from page* 1)

labor agreement in which musicians, teamsters, electrical workers and carpenters Internationals participated with the Alliance.

The mass meeting will be set probably for July 22 by the Technicians Guild which hopes to force a N.L.R.B.-supervised election to determine the bargaining agency for crafts which it and I.A.T.S.E. both claim.

It also hopes to take in A. F. of L.-organized locals which now have no agreement with producers.

Hearing on an order to show cause why they should not be held in contempt for allegedly splitting up Local 37 into five new locals has been postponed until Monday by Superior Judge E. H. Wilson, who ordered J. W. Buzzell, executive secretary of the Los Angeles Central Labor Council; John Gatelee, International I.A.T.S.E. representative; Lew C. G. Blix, former executive secretary of Local 37 and now an International officer, and several others to appear before him at that time.

Hollywood Notes

HOLLYWOOD, July 13.—RKO is negotiating with Kay Kayser and his band to star in "What's Right, You're Wrong." Jean Parker is set for the feminine lead of "The Flying Deuces," starring Laurel and Hardy.

The life of Alfred Bernhard Nobel will be brought to the screen by Warners with the cooperation of the Nobel Institute, Swedish Government and the Scandinavian film industry. A Warner company will go to Stockholm to make parts of this high budget film.

Theatre, Personnel Brevities

Comerford Shifts Managers

SCRANTON, Pa., July 13.—Comerford Theatres, Inc., has made the following personnel changes in this area: Matt J. OKeefe, from the West Side to manager of the Capitol; Joseph Cawley, from usher to assistant manager at the West Side; John Mahon, from the Globe, South Scranton, to the West Side; William Kays, West Side assistant, to the Globe; Edward Pash, from the Riviera to the State; Carl Herman, from the State to the Riviera; Al Farrell, from the Irving, Carbondale, to the Granada, in Olyphant, and Bud Irwin from the Granada to the new Comerford in Carlisle.

M-G-M Changes Made

As a result of David A. Levy's resignation from M-G-M as New Jersey branch manager to head Universal's New York branch, several staff changes have been made.

Herman L. Ripps, former Albany salesman, has taken over the sales post in New Jersey with headquarters in New York. He succeeds Ben Abner who was promoted to New Jersey branch manager. William Williams has been advanced from office manager in Albany to salesman. Sidney Stockton, former cashier at the New York branch, has been shifted to Albany as office manager.

Livingston Promoted

OKLAHOMA CITY, July 13.—Grover Livingston has been elevated to the first booker's desk at M-G-M succeeding Roy Avey, Jr. Avey resigned recently to enter the exhibition branch of the industry. Linford Pitts moves up to second booker from the service department.

Renovations For Rivoli

Rivoli, 1,600-seat theatre in New Brunswick, N. J., operated by RKO, will close Sunday for extensive renovation. All new seats and a new front will be included in the project. Walter Reade owns the house.

Close Two in Colorado

DENVER, July 13.—The Rialto at Durango, Col., and the Rialto at Walsenburg, Col., have been closed by Fox Theatres.

Denver Theatre Shifts

DENVER, July 13.—Joe Dekker, one of the partners in the Civic Theatres circuit, is now managing the Federal theatre, replacing C. W. Anderson, now at the Oriental. Anderson succeeds Richard Dekker, who has gone with the Atlas circuit, and is managing the Santa Fe. Ralph Hamilton, also with Atlas, is now artist for the Gothic and Santa Fe, according to David Davis, Atlas manager.

Cut Oakland Prices

OAKLAND, Cal., July 13.—Prices have been reduced more than 25 per cent at the Paramount, Orpheum and Fox-Oakland, all operated by Fox West Coast.

SEC Reports Month's Deals In Film Stocks

WASHINGTON, July 13.—Only three changes in the film stock holdings of officers and directors of motion picture companies during May were shown in the Securities and Exchange Commission's semi-monthly summary, issued today.

The transactions reported by the S. E. C. were the acquisition by John D. Hertz, New York, Paramount director, of 1,000 shares of Paramount common which, with 100 shares held through Lehman Brothers, represented his entire holdings, and the acquisition of 200 Universal Corp. common voting trust certificates by Nathan J. Blumberg, New York, president, and 500 certificates by Daniel M. Sheaffer, Philadelphia, director.

At the close of the month Blumberg held 200 Universal Corp. certificates and Sheaffer held 17,500 direct and 26,500 through the Standard Capital Co.

Reports of securities held by persons becoming officers or directors of corporations showed that Aquila Giles, New York, had 200 shares of Trans-Lux common when elected an officer Jan. 1, last, and Allen P. Kirby, Jersey City, who became a Pathe director April 25, held 2,100 shares of common direct, 1,000 through Holding Company A, 900 through Holding Company B and 600 in a trust.

Disposition of 1,000 shares of Columbia Broadcasting System Class A stock in May, by gift, was reported by Samuel Paley, Philadelphia, CBS director. The disposition reduced Paley's CBS holdings to 11,000 shares of Class A and 23,000 shares of Class B stock, it was shown.

Rodgers West Soon For 'Wind' Showing

William F. Rodgers, M-G-M general sales manager, plans to leave for the Coast in the near future for a screening of "Gone With the Wind," following which the sales policy for the picture will be determined. Rodgers' departure for the studio is waiting on completion of trade practice conferences and several important circuit deals which are in negotiation here.

British Film Duties To Yield $1,250,000

LONDON, July 13.—Captain Crookshank, Financial Secretary of the Treasury, said today at the third reading of the Government budget that the new film duties will net approximately $1,250,000 annually.

He declared the figure represents one-half of one percent of the annual box-office gross at all English film theatres.

Fritz Kuhn Appeals

Notice of appeal to the Circuit Court of Appeals from the decision of Federal Judge Vincent L. Leibell denying a preliminary injunction restraining exhibition of the Warner picture, "Confessions of A Nazi Spy," was filed in the Federal Court yesterday by Fritz Kuhn.

BANNER RADIO LINES

By JACK BANNER

INNER SANCTUM . . . Although not altogether unexpected, the deal making L. B. Wilson's Covington, Ky., station WCKY, the exclusive station for CBS in the Cincinnati area, the deal, consummated at the NAB convention, did surprise a great number of people. Full details are not known—probably won't be for some time—but the one rumor given most credence is that CBS will now sell WKRC, its own station in Cincinnati, to Wilson.

At the convention, Wilson would not comment to reporters about the deal other than to say that one had been made. Wilson was in conference with Ed Klauber, CBS executive vice-president, and Mefford Runyon, throughout the NAB sessionss.

The Wilson-CBS arrangement follows NBC's contract with Powell Crosley whereby WLW is the exclusive NBC Red station in Cincinnati and WSAI the NBC Blue. WCKY was formerly the Blue outlet in that city while WLW, an original member of Mutual, is now figured to carry less and less of Mutual business.

Fred Weber, Mutual's genial manager, had been negotiating with Wilson, but this deal is now cold, of course. Mutual will doubtlessly fight CBS's arrangement by lodging an additional protest to the F.C.C., claiming, it is believed, an alleged "lockout." NBC's Blue is also believed weakened by Wilson's switch to CBS.

▼

CHANGES AT CBS . . . Joe Maulsby, formerly assistant director of program operations at CBS, has been appointed production manager for the network, succeeding John S. Carlile who has resigned. LeRoy Passman, who has been serving as Maulsby's assistant, has taken over his former duties. In addition to his duties supervising the operations of all network programs, Maulsby will be in charge of announcers, the staff of assistant directors and administration of studio facilities. Carlile will engage in free lance program building and radio production.

▼

UNITED ARTISTS ON AIR . . . United Artists has arranged with NBC for an international broadcast which will be aired today and beamed toward France and Latin America. The program is in behalf of the new Ed Small production, "Man in the Iron Mask." Joan Bennett and Louis Hayward will broadcast from Hollywood, while Rachel Carley and Yvonne Bouvier will contribute songs from New York.

▼

ALDRICH FAMILY FOR FILMS . . . The Aldrich Family, which is now the Summer replacement for Jack Benny's series, has been signed by Paramount for two more films. Ezra Stone is the lead in the Aldrich sketch.

▼

GOOD NEWS SET—ALMOST . . . The Good News program, which Metro dropped this Summer, has been set in format for its return Sept. 7. As previously known, Meredith Wilson's orchestra and Fannie Brice will return to the show. Just signed as vocalist is Connie Boswell. Remaining to be signed is a film personality to serve as emcee, and together with film guest artists, this will comprise the Good News broadcasts for the coming season.

▼

AFRA EXPELLED . . . From our Chicago correspondent we learn that AFRA has been expelled from the Chicago Federation of Labor because "the radio artists were helping jeopardize the job security of 2,600 A.F.L. men in the printing industry," according to a statement by Chicago A.F.L. president, John Kirkpatrick. AFRA's stand regarding the strike of the Newspaper Guild against the Hearst papers in Chicago is the cause of the A.F.L. action. AFRA still is negotiating with NBC in Chicago, but, according to insiders, the situation is peaceful.

▼

NBC RENEWALS . . . Two renewals were placed with NBC yesterday. They are for the Standard Brands show, "Getting the Most Out of Life," and the Pacific Coast Borax Co. program, "Death Valley Days." Both renewals are for one year.

Dies of Auto Injuries

Richard Gledhill, 55, upstate New York salesman for 20th Century-Fox, died Wednesday night at the Dobbs Ferry Hospital from injuries suffered in an automobile accident. Gledhill had been with Fox for the past 15 years. Previously he had been with Paramount for ten years.

Radio Engineers Meet

SAN FRANCISCO, July 13. — Local radio stations played host to more than 1,500 delegates attending the annual convention of the American Institute of Radio Engineers. Schedule of events included visits to television and radio exhibitions at the Fair, and an inspection tour of a new Pan-American Clipper, equipped with the latest in radio devices.

Four Companies Formed

ALBANY, July 13.—New picture and theatre companies chartered here recently include: Midsummer Night's Dream Corp., by R. E. Cohen, L. Avronrin and M. Kettl, New York; Automatic Picture Distributors, Inc., by Ernest J. Glasser, Seymour L. Golub and David Scher, New York; Samin Amusement Co., Inc., by Max Lechner, Julius Gaffner and Rose Bergen, New York, and Leonard and Cox, Inc., by M. E. and M. A. Cox and John Pincto, New York.

Runyon Story to M-G-M

HOLLYWOOD, July 13.—M-G-M has purchased "A Call on the President," short story by Damon Runyon originally published in the *Saturday Evening Post*.

FCC to Hear Power Boost Applications

WASHINGTON, July 13.—Application for a construction permit for a new broadcasting station to operate on 1,310 kilocycles with 100 watts power night, 250 watts day, has been filed with the Federal Communications Commission by C. E. Palmer, Hot Springs, Ark.

Also filed with the commission were a number of applications seeking increases in power. Increase of night power from 100 to 250 watts was asked by WHAI, Greenfield, Mass.; WCNW, Brooklyn, N. Y.; WBLK, Clarksburg, W. Va.; WACO, Waco, Tex.; WALK, Lakeland, Fla.; KTOK, Oklahoma City; WCBS, Springfield, Ill.; WCLO, Janesville, Wis.; WEMP, Milwaukee; KRNR, Roseburg, Ore., and WJBC, Bloomington, Ill.

Increases in night power from 1,000 to 5,000 watts were requested by WJDX, Jackson, Miss., and WFLA, Tampa, while KIRO, Seattle, asked for a change of frequency from 650 to 710 kilocycles, extension of time from limited to unlimited, and increase of power from 250 watts to 5,000 watts night, 10,000 watts day.

Testimony at Trial Called Farce by AFA

(*Continued from page* 1)

Vallee and Harry Richman was equal to those holding similar offices in other branches, the statement said.

Although not denying that Ralph Whitehead, executive secretary, was now receiving a $125 weekly salary, the statement set forth that his average over the five years he has held the office was only $84 and that Frank Gillmore, 4-A president, is now paid $13,000 annually under a five-year contract. This sum is paid to Gillmore despite the fact that the 4-A is running under a deficit, the statement continued.

Increase in dues without a membership referendum was justified on the allegation that the Screen Actors Guild constitution permits its board of directors to increase dues similarly.

Conditions at Billy Rose's Aquacade were improved through the intervention of the A.F.A. and efforts to better backstage conditions are continuing, the statement said. Circus employes were organized with the consent of 4-A and per capita payments for such members were accepted.

Executive session of the 4-A board is scheduled for this morning. Further testimony may be heard and the board will start its deliberations.

Monogram Reports 40% Sales Increase

HOLLYWOOD, July 13.—Monogram sales this year are 40 per cent ahead of last year's figures, George Weeks, vice-president in charge of sales, announced today on a short stopover during his nation-wide tour of the company's exchanges.

"The new season undoubtedly will be the biggest in the company's history," Weeks said. He departs Sunday night for San Francisco.

MOTION PICTURE HERALD

Announces

A GOLDEN JUBILEE EDITION TO BE PUBLISHED EARLY IN OCTOBER, SIGNALIZING THE PROGRESS OF THE MOTION PICTURE THROUGH ITS FIFTY EVENTFUL YEARS OF GROWTH



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Here is what actually happened at first two openings of Edward Small's "THE MAN IN THE IRON MASK"



NEW YORK...Radio City Music Hall

4,000 tickets sold in less than 30 minutes after doors opened.

Box-office closed for 20 minutes as lines stretched almost to Fifth Avenue.

Music Hall played to more money than the combined gross of four other first-run theatres.

At press time picture is headed for biggest opening day in the past six months.

SAN FRANCISCO...United Artists Theatre

Manager Herman Cohen wires as follows:

"MAN IN IRON MASK OPENED IN OUR THEATRE TONIGHT TO REALLY SENSATIONAL BUSINESS. AS YOU KNOW THIS PICTURE IS PLAYING SINGLE BILL AGAINST DOUBLE FEATURES IN ALL SAN FRANCISCO THEATRES AND AT HIGHER PRICES THAN ANY OTHER MOTION PICTURE THEATRE HERE. WE OPENED OUR BOX OFFICE AT SEVEN P.M. WITH HUNDREDS WAITING IN LINE AND WERE COMPLETELY SOLD OUT IN ONE HOUR AND CONTINUED TO DO THIS SAME KIND OF BUSINESS. AUDIENCE REACTION WONDERFUL AND WE ARE CONFIDENT OF LONG RUN."

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VOL. 46. NO. 10 NEW YORK, MONDAY, JULY 17, 1939 TEN CENTS

Court Orders Charter Back to Local 37

Los Angeles, July 16.—Return of the charter to Local 37, I.A.T.S.E., and dissolution of five new locals created by the International to supplant the Technicians group was ordered Friday by Superior Judge Henry Willis, who declared that a portion of the Alliance constitution violated state and federal laws.

Climaxing eight weeks of bitter court fighting, Judge Willis' decision in counter suits by ousted officers of Local 37 and the International Alliance leaders for control of the organization, directed Alliance leaders to remain in charge of the Local until such time as the general executive board decrees the state of emergency is over.

In excoriating "autocratic powers" given George E. Brown, Alliance president, the court held that the charter was the property of local members and that the action of the international in revoking it was contrary to state and United States constitutions.

The International has full legal right to remain in control of the Local, the court ruled. In a "state of emergency" and under the by-laws, the general executive board can declare and call off the "emergency" decision.

The court's decision leaves Joseph W. Carpenter, president, and other officers ousted by International representatives, John Gatelee and Frank Stickling, still under suspension pending action of the Alliance's International executive board.

In effect, the court's ruling restores the status of Local 37 as of March 21 when the suit was brought by Local officers.

Gatelee and Steve Newman, International representative in charge of the Hollywood office, over the week-end conferred with Attorney George Breslin, who represented them at the trial, upon the method of restoring members already in the five new Locals created by Browne to their former status.

In one of the lengthiest oral decisions ever handed down in local courts, Judge Willis, speaking for more than three hours, expressed

(*Continued on page 8*)

Report Gives Greatest Year Drive Figures

The $1,000,000 Motion Pictures' Greatest Year campaign of 1938 has a cash balance of $92,587.01, it was revealed on Satday in an accountants' report to George J. Schaefer, executive manager, and Frank C. Walker, treasurer of the campaign.



Geo. J. Schaefer

The report lists a total of $19,458 of bills "unpaid pending settlement," but reveals no other campaign liabilities.

Receipts totaled $988,143, of which producers and distributors contributed $500,000, affiliated theatres, $250,000 and independent exhibitors, $237,464. The principal expenditure was $479,216 for newspaper advertising. Prizes for the Movie Quiz contest amounted to $250,000 and the balance of the $882,403 of aggregate expenditures were in administration expenses in New York and Hollywood and for production of several shorts, press books and accessories.

Production of accessories, including the Movie Quiz booklets, resulted in a net loss of $3,021. Total receipts for accessories were $198,425 and

(*Continued on page 9*)

FCC Breach Facing ABA

Washington, July 16.—Apparently aroused by the challenge of the National Association of Broadcasters to show a legal basis for its alleged censorship rule for international stations, the Federal Communications Commission has turned its hearings on the rules into an inquisition of Neville Miller, N. A. B. president, which finally drew sharp protest from Swager Sherley, counsel for the group.

Following the testimony of the Rev. Edward Lodge Curran of the International Catholic Truth Society, who defended the rule and attacked the American Civil Liberties Union and the N. A. B., charging that there was private censorship and that the broadcasters were interested only in the "gold content of radio," the Commission spent the remainder of the first day in a cross examination of Miller.

It quickly became apparent that differences of opinion between the Association and the Commission have reached the point of a definite breach, and that the F. C. C. does not look with favor upon the N. A. B. interest in a matter which Commissioner Frederic I. Thompson asserted affected only international and not domestic stations.

At the opening of the hearing, Commissioner Thad H. Brown presiding, read a statement in which he emphasized that the Commission had no desire of setting itself up as a board of censorship, but that phase of the matter was not reached until Saturday, when radio representatives protested the rule, which Brown announced would be suspended until after a decision was reached.

AFA to Take Charter Loss Before Court

Found guilty of misusing relief funds and mismanagement of its affairs and deprived of its American Federation of Labor charter by the Four-A trial board Friday, the American Federation of Actors today will take steps to carry the fight into the courts.



Eddie Cantor

Sophie Tucker, A.F.A. president, whose union refused to defend itself against charges made against it on the ground that the Four-A did not have the constitutional power to hold a trial, laughed at the verdict. "It's funny, really amusing," she said.

The Four-A granted a charter to a new union which will be called the American Guild of Variety Artists with jurisdiction over principals and chorus of vaudeville, presentation houses, night clubs, circuses and carnivals.

Eddie Cantor was appointed temporary president of the Guild. The temporary governing board will consist of the following:

Ralph Morgan and Kenneth Thomson, president and executive secretary, respectively, of the Screen Actors Guild; Bert Lytell and Paul Dullzell, first vice-president and ex-

(*Continued on page 6*)

Ballot Today On Neely Bill; Heavy Debate

Strong Opposition Arises Unexpectedly in Senate

Washington, July 16.—Unexpected opposition to the Neely bill resulted in the inability of the Senate to dispose of the measure Friday, despite energetic efforts of Senator Neely to keep it in session until a vote could be reached.

The tieup came after a 90-minute speech by Neely, when Senator White of Maine kept the floor until late in the afternoon, with other speakers planning to follow him.

With debate bidding fair to continue indefinitely the Senate accepted a suggestion by Barkley to suspend over the weekend and agree to vote at 3 P.M. on Monday.

The debate on the bill opened with an address by Neely himself, in which he not only outlined the purposes of his bill but also attacked the parliamentary procedure in Congress to which he attributed the delay in getting his bill before the Senate.

At times he spoke with less than a half-dozen Senators in the chamber.

Neely contended that under his bill no Government regulation or censorship is intended. He voiced the opinion that the effect of the abolition of block booking would be only to force the producer to make good pictures.

In his speech he reviewed previous testimony given during the hearings on the bill. He made charges that with the exception of Senator Downey of

(*Continued on page 8*)

GN-EP Financing Deal Is Approved

Stockholders of Educational Pictures and Grand National at special meetings on Friday approved proposals which, when consummated, would bring approximately $1,000,000 of new financing into the companies.

Educational stockholders authorized officers of the company to accept a proposed R.F.C. loan of $400,000. Stockholders of both Educational and Grand National then authorized consummation of the financing plan proposed for Grand National by Felt & Co., Wall Street brokers, which, subject to amendment, could provide $950,000 of new financing. However, indications are that in the event of acceptance of the R.F.C. loan, the

(*Continued on page 5*)

40-Weeks Net Of $8,173,060 By Loew's, Inc.

Loew's, Inc., has reported net profit for the 40 weeks ended June 8, 1939, of $8,173,060, after depreciation and taxes, and after the setting up of a reserve for contingencies of $1,620,000.

The net for the 40 weeks compares with net profit of $8,352,675 for the corresponding period in 1938, when the contingency reserve was $1,120,000, or $500,000 lower.

The company has reported earnings, including its share of profits of affiliated companies, for the 40-week period in 1939, and after deduction of preferred dividends of subsidiaries, of $14,271,675, which compares with $14,027,877 for the corresponding period in 1938.

Even after the substantial increase in reserves in the current year, the company's financial statement said, the company's share of net profits for the 40-week period just ended was equivalent to $4.26 per share on the average number of shares of common stock outstanding in the hands of the public, as compared with earnings of $4.80 per share on the outstanding common shares during the similar period in 1938.

Resume Conferences On Code This Week

Meetings of sales executives on the proposed changes in the arbitration provisions of the trade practice code may be resumed today or tomorrow. No meeting was held on Friday due to the absence from the city of several sales managers. William F. Rodgers, chairman of the distributors' negotiating committee, will call the next meeting as soon as a representative number of the sales head are available again.

Northern Ohio Group Approves Code Rejection

CLEVELAND, July 16.—Independent Exhibitors of Northern Ohio at a meeting here Friday unanimously passed a resolution approving the action of the national Allied negotiating committee and the board of directors at the recent Minneapolis convention, in their rejection of the proposed trade practice code.

Block Takes Over Post

Bertram Block arrived in New York Friday to assume his post in charge of the story department in the East for Samuel Goldwyn.

No Guaranties

An innovation in new season deals reported by many exhibitors now in the process of negotiating new contracts is the stipulation from some distributors that designated playdates will not be insisted upon, when guaranties are obtained on percentage deals.

The payoff, however, according to the exhibitors, is that the distributuors are not asking for guaranties now.

Purely Personal

JOSEPH M. SCHENCK, 20th Century-Fox board chairman, expects to remain in New York another two weeks after which time he may leave for the coast.

•

A. G. STOLTE, Des Moines district manager for the Tri-States circuit, is on a vacation hunting and fishing trip in Canada, and HARRY HOLDSBURG, manager of the circuit's Paramount in Des Moines, is spending two weeks in California.

•

TOM GERETY of HOWARD DIETZ's M-G-M advertising staff, was married on Friday to NATHALIE HAMMERSTEIN, his secretary. The bride is leaving Metro to devote her time to the Gerety menage in Rockville Center.

•

RITA CAVE, radio representative of the Odeon Theatre Circuit, Great Britain, in the United States on business and a vacation, was a visitor at the Warner World's Fair Bureau Friday. She returns to England July 26.

•

ERIC GREENSPAN, circuit sales manager for Columbia in England, arrived in New York from London on the *Aquitania* Friday, accompanied by his wife. While vacationing here he will visit with home office officials.

•

JULES LEVY, WILLIAM F. RODGERS, TOM CONNORS, LEON NETTER, SAM SHAIN, ARTHUR MAYER, RUSSELL HOLMAN, SIDNEY PHILLIPS, MARK HEYMAN lunching at Nick's Hunting Room at the Astor Friday.

•

LEO TOWNSEND, screen writer, and PAULINE SWANSON, western manager for TOM FITZDALE, arrived in New York from Galveston. They will remain here for two weeks.

•

DAVID BURNS, American screen comedian who is better known in England than in the United States, is on a visit to his home town, New York. He will return to London this week.

•

A. H. BLANK and G. RALPH BRANTON of the Tri-States Theatre Corp., Des Moines, left over the weekend on a business trip to New York.

•

GLENDA FARRELL opens tonight in the title role of "Anna Christie," at the Theatre-by-the-Sea, Matunuck, R. I.

•

ROBERT RISKIN, associate of FRANK CAPRA, is in town, and will leave for Europe, to be gone about four months.

•

GEORGE WELTNER, assistant to JOHN W. HICKS, Paramount foreign manager, has finally chosen that new car.

•

LEONARD GOLDENSON, Paramount theatre attroney, is expected back at the home office today from Detroit.

•

PHIL HOROWITZ of Monogram's New York exchange returns today from a week's vacation upstate.

•

HARRY GREEN returned to this country last week after being away for two years in London.

•

MARY HEALY stopped off in San Antonio en route from the coast to New Orleans.

MR. and MRS. LEO SPITZ (Spitz and Adcock) have returned to New York. SPITZ has fully recovered from his recent illness. They have been in California and on their way East had stopped off in Chicago. It is probable that they will remain in New York several weeks.

•

RUTH GOLDEN, daughter of EDWARD A. GOLDEN, vice-president of Monogram, announces her engagement to LAURENCE WITTEN of New York. At present MISS GOLDEN is in Hollywood visiting her brother and sister-in-law, Mr. and Mrs. ROBERT S. GOLDEN.

•

CHARLES CURRAN, formerly with Donahue and Coe Advertising Agency and Warner Brothers advertising department, arrives from the Coast today to take a position in the home office of Twentieth Century-Fox advertising department.

•

Mr. and Mrs. HENRY SCHULTZ of New York, parents of DAVID BUTLER, 20th Century-Fox director, are sailing on the City of San Francisco to join their son in Hollywood on the occasion of their 50th wedding anniversary.

•

HASKELL M. MASTERS, MURRAY SILVERSTONE, WILLIAM FITELSON, ARTHUR KELLY, GEORGE SHERMAN, JOSEPH PLUNKETT, JOSEPH MALCOLM at BOB GOLDSTEIN'S Tavern for lunch Friday.

•

HENRY WEINER, manager for United Artists in Cuba, arrived in New York Friday aboard the *Oriente* on a combined business and vacation trip. He was accompanied by MRS. WEINER.

•

LEON G. TURROU, former ace G-man who was instrumental in exposing a Nazi spy ring in this country last year, sailed from Europe Saturday for New York.

•

STANLEY HAND, Altec sales representative, has returned to New York after an extended trip through the midwest and southwest.

•

WALTON THOMAS, assistant to FREDERICK H. HERRON, M.P.P.D.A. treasurer and foreign department head, is vacationing.

•

ADOLPH SCHIMEL of the Universal home office legal department left for the Adirondacks over the weekend on vacation.

•

HERMAN PINCUS of the advertising staff of MOTION PICTURE DAILY, has left for Virginia Beach to spend a two-week vacation.

•

HERMAN GLUCKMAN spent the weekend in Philadelphia.

Mrs. J. Balaban's Mother Dies at 73

CHICAGO, July 16.—Funeral services were held yesterday for Mrs. Mary Bruder, 73, mother of Roy Bruder and Mrs. John Balaban. Mrs. Bruder died Thursday night after a brief illness. Roy Bruder, manager of the Chicago theatre, was vacationing in the Canadian northwoods when his mother died. He arrived Friday morning by chartered plane. Two sons and four daughters survive.

Gain in Coast Radio Shows Looms in Fall

Hollywood the coming season will figure just as prominently as an origination point for network programs as it did last year, which was a peak season for radio emanations from the film capital.

Business already booked on [illegible] for the Fall and Winter of 1939-1940 shows 15 programs that will come from the west coast, in each of which film players will appear prominently. The books, of course, are still not closed, and there is every likelihood that additional programs from Hollywood may yet be booked. The CBS program book for October of 1938 shows that 15 programs were originating from Hollywood. Thus, the 1939-1940 output from the film center do no less than tie last year's schedule, and it may exceed it by a good margin.

Schedue for Fall

The programs that will be heard from Hollywood this fall include Amos 'n' Andy, the Joe E. Brown series, "It Happened in Hollywood," the Lux Radio Theatre, "Big Town," with Edward G. Robinson, the Dick Powell series, Jimmy Fidler, the "Blondie" series, with Penny Singleton and Arthur Lake; RKO's "Gateway to Hollywood," "Silver Theatre," with Conrad Nagle as em cee; the Screen Actors Guild series, Lum 'n' Abner, Burns & Allen, the Texaco Star Theatre and the Dr. Christian series with Jean Hersholt.

Jolson and Cantor May Return

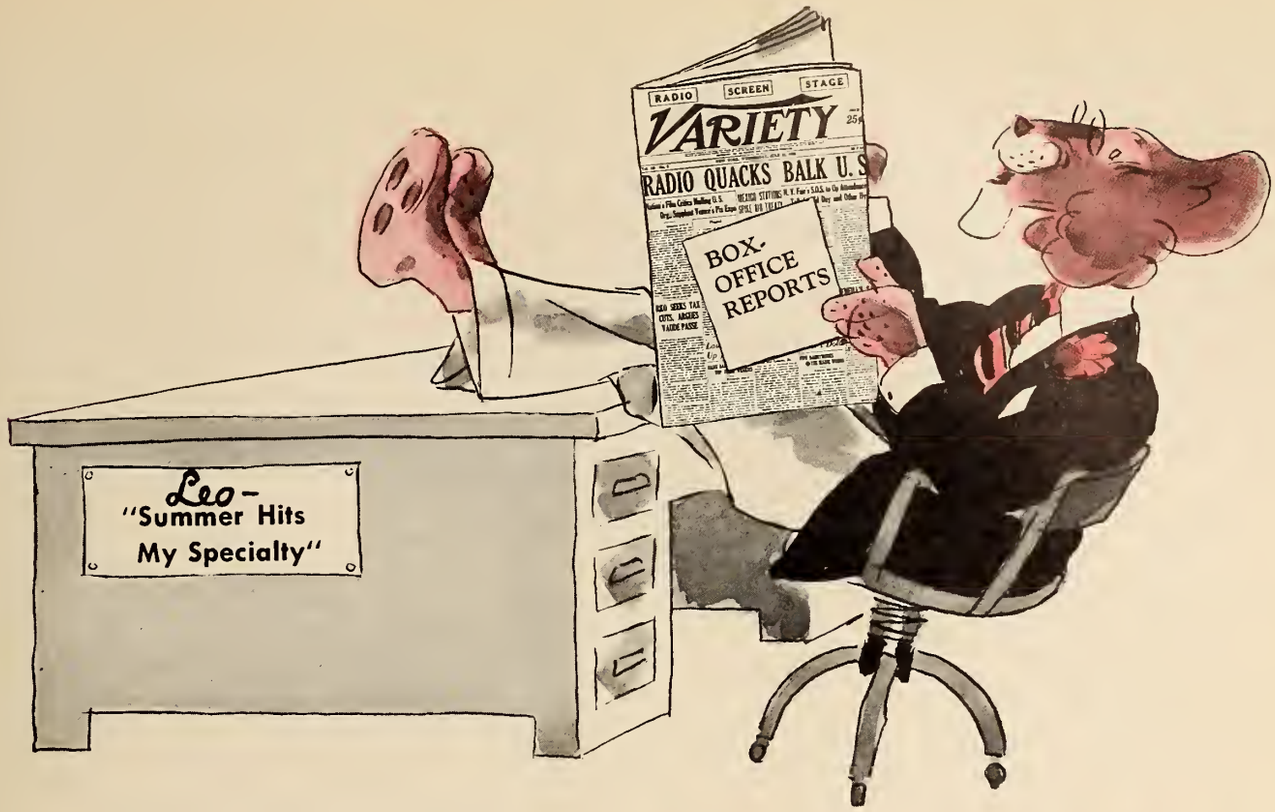
Belief that the new season may surpass the last is based on a number of deals that are now in the making, which may find Al Jolson, Jack Haley and Eddie Cantor back on the air with new shows on CBS.

At NBC, the Hollywood outlook is much improved over last. As of September, there will be 13 major programs coming from the coast each week, including some new programs such as the "Grouch Club," and Benchley's "Melody and Madness" program. As is the case at CBS, there is every prospect that other Hollywood programs for the Fall may yet be signed.

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"IT'S ALL M-G-M!"

Let us consider a few items from the current (*hot-weather*) issue of Variety:

BALTIMORE —"General let-down here this week with only bright spot CHIPS at Century."

KANSAS CITY —"CHIPS top flight, one of best of the year. Last week MAISIE a pleasant surprise."

CHICAGO —"CHIPS holding to strong pace looks set for a stay at Apollo."

"HARDYS RIDE HIGH repeat flicker better than average take. Last week SOCIETY LAWYER came in with surprising gross."

PITTSBURGH —"Penn's leading the way with MAISIE reacting to slick campaign. CHIPS frisky, better than holding its own in 3rd week downtown, having moved to Warners. Only second picture in history to move here after playing 2 stanzas at Penn."

NEW YORK —"CHIPS powerful play at Astor. Huge profit being shown here. 9th Week."

"Capitol ON BORROWED TIME more action here."

PORTLAND —"ON BORROWED TIME good. Last week MAISIE nice."

SAN FRANCISCO —"ON BORROWED TIME will grab sizable gross. It's giving the best take in some time. MR. CHIPS sprinting toward excellent biz. Looks good for 6 weeks here. Last week equalled first week. Almost unheard of here."

LINCOLN, NEB. —"The town's sweltering. DR. KILDARE, O. K. Last week MAISIE good."

WASHINGTON, D. C. — "MR. CHIPS leading town, a socko, way out front with beauteous gross."

BOSTON —"CHIPS holdover very good and the town's standout. First week smasho." (*Holdover day and date at State and Orpheum*).

(over please)

(continuing Variety Box-Office Reports from preceding page)

LOS ANGELES—"Straight picture houses not faring well, except CHIPS now in 9th week."

TORONTO—"WONDERFUL WORLD excellent. Last week DR. KILDARE fine."

INDIANAPOLIS—"TARZAN sweet. Others off. Topping the town with socko gross."

MINNEAPOLIS—"CHIPS big, garnering the box-office laurels. Effective advertising campaign got fine opening."

LOUISVILLE—"MR. CHIPS is setting the b. o. pace. Last week MAISIE exceeded expectations, snaring good gross."

DENVER—"MR. CHIPS Big and holds. Last week MAISIE good."

PHILADELPHIA—"CHIPS stacking 'em up to lofty gross. Nifty second week."

DETROIT—"TARZAN looks tops!"

PROVIDENCE—"MR. CHIPS strongest in town."



He's off again on his annual hot-weather spree! Whee!

TO THE RESCUE!

Those glowing M-G-M box-office reports reprinted above are just the beginning. Look what's ahead:

July 21st. "ANDY HARDY GETS SPRING FEVER"
Sensational opening at State and Chinese Theatres, Los Angeles, topping *all* previous Hardys and combined total reaching "Maytime" business! Lewis Stone, Mickey Rooney and all the folks! The Lucky Seventh Hardy Hit!

July 28th. National Release "GOODBYE MR. CHIPS"
The delight of the dog days! Keep extra time wide open!

Aug. 4th. "MIRACLES FOR SALE"
A sleeper! Watch for it! Robert Young and Florence Rice in thriller! Summer showmanship special!

Aug. 11th. ROBERT TAYLOR, HEDY LAMARR *in*
"LADY OF THE TROPICS" *(need we say more!)*

Aug. 18th. "THESE GLAMOUR GIRLS"
Lew Ayres and a screenful of beauties, including Lana Turner, Anita Louise and others in a sure-fire box-office show!

—and then on August 25 comes the biggest sensation since "Snow White":

"THE WIZARD OF OZ"

Watch for further announcements about M-G-M's Technicolor Wonder Show playing hundreds of day-and-date engagements simultaneous with giant ad campaign!



"Summer! When a feller needs a friend! There's always

THE FRIENDLY COMPANY!"

GN-EP Deal On Financing Is Approved

(Continued from page 1)

principal amount of the Felt financing would be reduced by $200,000 to $400,000. In any event, the combined minimum financing from R.F.C. and Felt & Co. is to be approximately $[illegible]0,000.

The R.F.C. loan can be consummated in two or three weeks, it was said by company officials. Erpi probably will be paid $260,000 out of this financing immediately to clear the mortgage which it holds on the Educational west coast studio. The free mortgage, with other Educational and Grand National collateral, would then be used to secure the R.F.C. loan. Felt & Co. would have second liens on all assets pledged with R.F.C.

Well Represented on Board

Felt & Co. is part of a private group which has proposed the new secondary financing. The group will have "substantial representation" on the board of the two companies, according to Irving M. Felt, who added, however, that the syndicate has no preconceived notions on management.

Felt stated that whereas the chances of the deal being consummated were "15 or 20 to one" a short while ago, they are now about 50-50, thus indicating that considerable work remains to be done before the two companies are completely reestablished.

No Immediate Production

Educational and Grand National will not reenter production themselves for the time being, Earle W. Hammons, president of the two companies, who presided at the stockholders' meetings, said. The companies will confine themselves for the most part to financing independent producers in order to get a supply of product quickly and to avoid any immediate, heavy production commitments.

Hammons and Felt may leave for the coast within the next few days to arrange for product which can be scheduled for early selling by the Grand National distribution organization.

Films Draw Heavily In Pittsburgh's Heat

PITTSBURGH, July 16.—Pictures showed good box office yields despite hot weather, in a week led by "Daughters Courageous" with $12,900 at the Stanley and "Goodbye, Mr. Chips" with $5,600 in its third week at the Warner. "Good Girls Go to Paris" was good for $6,000 at the Alvin, and "Maisie" drew $12,400 for Loew's Penn.

Estimated takings for the week ending July 13:

"Good Girls Go to Paris" (Col.)
ALVIN—(1,900) (25c-35c-50c) 7 days. Gross: $6,000. (Average, $7,000)
"Maisie" (M-G-M)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days. Gross: $12,400. (Average, $15,000)
"Daughters Courageous" (W. B.)
STANLEY—(3,600) (25c-35c-50c) 7 days. Gross: $12,900. (Average with stage show, $17,000)
"Goodbye, Mr. Chips" (M-G-M)
WARNER—(2,000) (25c-40c) 7 days, 3rd week. Gross: $6,000. (Average, $4,500)

Insider's Outlook

By SAM SHAIN

BEN WASHER was at Sing Sing the other day. He says he enjoyed being there very much. One thing he learned was that even when invited to State's Prison, it is as difficult to get in as it is to get out.

Having once entered the prison yard, his car was carefully examined and checked before passing through the double electric locks. Thanks to Warden Lewis Lawes, Washer held a special screening in the prison chapel for more than 1,500 inmates, of Archie Mayo's masterpiece, made for Samuel Goldwyn (United Artists), "They Shall Have Music." Just as you guessed, we went along for the ride and soon found ourselves participating in an unusually interesting experiment.

Is this picture, which is built around the celebrated Jascha Heifetz, highbrow stuff and therefore limited in its box-office appeal, or is it made of the stuff that makes for universal entertainment? It was thrilling to see the effect of the picture and the music on the prison inmates. It was not a compulsory screening. Nevertheless, the chapel was filled, although the showing was held during the recreation hours. Many remained standing through the performance. Only two left before the show ended.

The boys laughed and applauded, and Heifetz probably had never been received more enthusiastically by a Carnegie Hall audience.

It is unusual to present such pictures at a prison. The prisoners have a strong preference for straightaway action films and modern musicals. The prison officials claim that the inmate audiences are as normal as audiences elsewhere. Maybe they're right.

WALTER GOULD leaves for the Argentine soon and probably will be gone for many weeks, on business for his company.

WHETHER or not Metro builds a film laboratory in London, 20th Century-Fox has no intention either of constructing one itself or in association with Metro. Sidney R. Kent, president of 20th Century-Fox, says that whatever laboratory work his company has in London, it will be executed by London laboratories.

SOMEONE has calculated that 4,000,000 persons during June have viewed exhibitions of Disney originals in galleries around the country. That's lightning calculation.

HERE is an interesting viewpoint on the Fair, expressed by Herman Wobber at luncheon the other day. His opinion is that the disappointing attendance at the World's Fair is due, in a measure, to the fact that visitors to this city find the city itself so full of interest that the Fair is just runner-up.

Among such sights, standing out, perhaps, above all others, is Radio City Music Hall which catches possibly 75 per cent of the out-of-town visitors who come for the World's Fair.

PERHAPS Benito Collado has the right idea on how to produce Spanish pictures. The companies have had considerable difficulty with Spanish-mades, both from the language and the story angles. Collada, on the other hand, in his desire to promote his own Spanish picture production, has obtained the Spanish talking picture rights to some Spanish plays, such as Jacinto Benevente's, "La Malquerida," according to Sam Kopp, and "Los Honores de los Hombres." The translation of the first title is "The Passion Flower;" the translation of the second, "Man's Honor." Kopp is handling the press work for Collada. A third play which Collada is considering is "Malvaloca" by the Brothers Quinteros.

Theatre Notes

Recess Earle Orchestra

PHILADELPHIA, July 16.—Lou Schrader, leader of the Earle Theatre orchestra since the house opened more than 12 years ago, has moved over to Fox, replacing Adolph Kornspan.

Plan New House in Bode, Ia.

BODE, Ia., July 16.—A new theatre is to be opened here. Bode has been without a theatre for over a year.

Reopen Iowa Theatre

ALLERTON, Ia., July 16. — S. B. Moode of Des Moines, has reopened the new Allerton Theatre after remodeling.

CBC Boosts News In French, English

MONTREAL, July 16.—New and enlarged French and English radio news services designed to fill specific geographical needs of different Canadian regional districts are being inaugurated by Canadian Broadcasting Corp. The expanded services are to be under the supervision of D'Arcy Marsh, Canadian journalist.

The broadcasts to be added include Canadian Press news from Montreal to the French network; Canadian Press news from Toronto to the Midwestern network; Canadian Press news from Vancouver to British Columbia and Prairie networks and Canadian Press news from Vancouver to the British Columbia network.

Million Dollar Profit in Year By Universal

Universal will complete 12 consecutive months in the black on July 31, with net profit of approximately $1,000,000 expected to be shown for that period, according to Wall Street reports on the company's current business.

The record represents the longest sustained period of profitable operations for Universal in more than 10 years.

Universal's fiscal year does not end until Oct. 31 but the company went into the black for the first time in several years during the final quarter of its last fiscal year, reporting net profit of $161,929 for the period from Aug. 1 to Nov. 1, 1938. Profit for the first quarter of the current fiscal year was $157,990, and for the second quarter, ended April 30, last, a net of $581,587 was reported.

Thus profit for the last three-quarters amounted to $901,506. The company's current operations are in the black and while no large profit for the quarter ending July 31 is foreseen, it is believed that it will be around $100,000, boosting the 12-month earnings record over the $1,000,000 mark. Universal's net loss last year was $713,783.

Earnings for the current quarter have been held down by infrequent major production releases but during the August to November quarter a large number of important pictures will come from the Universal studio, indicating what may be the second largest quarter profit of the current fiscal year.

Providence Censor Battle Looms Again

PROVIDENCE, July 16.—Captain George W. Cowan, amusement inspector, here, was instructed by the Bureau of Police and Fire to see the performance of "The Women" at the Brighton Beach Theatre, L. I., after Ray Penton, acting for producer Jules Leventhal, renewed his application for a license to present the Clare Booth hit at the Albee here.

Application was denied last month by the bureau, which also banned "Of Mice and Men." The bureau gave Payton's application for "Susan and God" clearance, and reserved decision on an application for a license for "Kiss the Boys Goodbye" until Captain Cowan could read the script.

Banning of "The Women" and "Of Mice and Men" stirred a lively censorship controversy here in June, which now promises to be renewed. The Albee, ordinarily a film house, shut down for the summer, and Leventhal planned to keep it occupied with stage shows during the warm months. When the police ban fell, Leventhal called the whole season off, but is now seeking to resume operations.

Raft to N. Y. Premiere

HOLLYWOOD, July 16. — Warner Brothers Saturday gave a new term contract to George Raft, who left for New York to appear next Friday at the world premiere of "Each Dawn I Die."

AFA to Take Charter Loss Before Court

(Continued from page 1)

ecutive secretary, respectively, of the Actors' Equity; Bert Lytell and Ruth Richmond, first vice-president and executive secretary, respectively of the Chorus Equity; Jean Greenfield and Reuben Guskin, president and business manager, respectively, of the Hebrew Actors' Union; Cantor and Emily Holt, president and executive secretary, respectively, of the American Federation of Radio Artists; Lawrence Tibbett and Leo Fischer, president and executive secretary, respectively, of the American Guild of Musical Artists.

An organizational drive will be launched by the new organization next week with membership meetings in New York, Philadelphia, Chicago, Los Angeles and San Francisco.

Any performer holding a paid up card in any branch of the Associated Actors & Artistes of America or the American Federation of Actors will receive credit from the new organization for the amount of dues paid and will not be required to pay an initiation fee. Performers holding AFA cards who are in arrears in dues will pay only current dues and no initiation fee. The dues of the new organization will be $16 yearly for principals and $10 initiation fee. Chorus members will pay $5 initiation and $12 annual dues.

The following statement was authorized by Cantor and Tibbett:

"We completely endorse the action of the Associated Actors and Artistes of America in revoking the charter of the American Federation of Actors. In view of the disclosures of neglect and disservice to members this was the only possible action that could have been taken.

"Only a new organization with unimpeachable management can cope with the problems of the performers and command the respect of the public. We believe the setting up of a new organization was essential to safeguard the welfare of the performer."

'Chips' Providence Winner at $14,000

PROVIDENCE, July 16.—"Goodbye, Mr. Chips," paired with "Five Came Back," took $14,000 at Loew's State to give that house the best business in weeks, while Jack Benny's "Man About Town" and "Unmarried" gave the Strand $7,500.

Estimated takings for the week ending July 12-13:

"Goodbye, Mr. Chips" (M-G-M)
"Five Came Back" (RKO)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $14,000. (Average, $11,000)
"Man About Town" (Para.)
"Unmarried" (Para.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $7,500. (Average, $6,000)
"Hell's Kitchen" (W. B.)
"Naughty But Nice" (W. B.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $6,700. (Average, $7,000)
"The Kid from Kokomo" (W. B.)
"Nancy Drew, Trouble-Shooter" (W. B.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $1,300. (Average, $3,500)

Outing at Cincinnati

CINCINNATI, July 16.—The annual Variety Club picnic will be held July 24 at Summit Hills Country Club. Harris Dudelson, United Artists manager, is general chairman.

Hollywood Previews

"The Magnificent Fraud"

(Paramount)

HOLLYWOOD, July 16.—Although explicitly hypothetical in tangible particulars, "The Magnificent Fraud" could have happened, or could happen, in any of the South American countries receiving intimate attention of Hollywood and Capitol Hill at this time. It possesses, thus, a synthetic but dramatically genuine timeliness likely to generate a great deal of favorable word-of-mouth publicity.

Akim Tamiroff plays the principal role, that of an actor-murderer pressed into service of a South American republic to impersonate the assassinated president thereof whose signature is required to complete negotiation of an American loan. This casting gives him opportunity to display more extensively than heretofore his great facility for make-up and characterization.

Lloyd Nolan plays a young American racketeer engineering the affairs of the republic. Patricia Morison portrays an American girl whose coming to the country complicates Nolan's plans by making him decide to go straight. This romantic aspect of the story is worked out exotically, in contrast to the usual procedure, which circumstance, alongside other incidents and bits of dialogue pertaining to matters primarily interesting to the mature, suggest limiting attendance to the of-age.

"Caviar for His Excellency," a story by Charles G. Booth, is the basis of the screen play by Gilbert Gabriel and Walter Ferris. It is an unusual script, adroitly contrived. Production by Harlan Thompson is appropriately lavish and Robert Florey's direction is effective. Mary Boland, Steffi Duna, Ralph Forbes, Robert Warwick and George Zucco handle important supporting assignments competently.

Running time, 75 minutes. "A"*

ROSCOE WILLIAMS

*"A" adult classification."

"Unexpected Father"

(Universal)

HOLLYWOOD, July 16.—Universal takes this opportunity to exploit further the cuteness and laugh provocativeness of Baby Sandy, who first appeared in "East Side of Heaven" and now has been elevated to stardom in "Unexpected Father."

This new vehicle for the exploits of as grand an infant actor as has ever before appeared on the screen is a quickly made production, to capitalize on the enthusiasm the youngster created in her (Sandy is a girl, playing boys' roles) film debut. With her are Mischa Auer, in a comedy role such as only he can do; Shirley Ross and Dennis O'Keefe supplying the romance; and Joy Hodges, Dorothy Arnold, Anne Gwynne, Anne Nagel, Donald Briggs, Richard Lane, Paul Guilfoyle, Mayo Methot, Jane Darwell and Spencer Charters.

A preview audience in Hollywood enjoyed the picture, manifesting chief interest in the antics of Sandy and in the comedy of Auer. Charles Lamont directed from an original screenplay by Leonard Spigelgass and Charles Grayson. Ken Goldsmith produced.

O'Keefe, head usher in a theatre in which Miss Ross works, unexpectedly finds an orphaned baby on his hands. Both Miss Ross and he fall in love with the child and determine to keep him, but complications arise when the drunken aunt and uncle of the orphan attempt to adopt him for mercenary reasons. After numerous incidents, some of a hilarious nature, the situation is solved.

Running time, 80 minutes. "G."*

VANCE KING

*"G" general classification.

'Susannah' Leads Omaha Box Offices

OMAHA, July 16.—"Susannah of the Mounties," dualled with "Women in the Wind" at the Orpheum, grossed $8,300 for the best of a very dull week. Extreme high temperatures prevailed.

Estimated takings for the week ending July 12-13:

"Career" (RKO)
"Girl and the Gambler" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $4,700. (Average, $4,000)
"Man About Town" (Para.)
"Back Door to Heaven" (Para.)
OMAHA—(2,200) (25c-40c) 7 days, 2nd week. Gross: $6,100. (Average, $6,000)
"Susannah of the Mounties" (20th-Fox)
"Women in the Wind" (W. B.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $8,300. (Average, $7,600)

Ed Grainger Starts On Tour of Circuit

Ed Grainger, general manager of the Feiber and Shea Circuit, left Sunday, to be gone 10 days to two weeks, on a tour of the circuit's houses in Ohio, Pennsylvania and New York. He has closed for the State and Nugent Theatres in Dover, Ohio, thus giving F. & S. all the houses in that city.

'Another Thin Man'

Myrna Loy and William Powell have started work in "Another Thin Man," their new co-starring vehicle at the Metro-Goldwyn-Mayer studios, with W. S. Van Dyke II at the directorial helm.

'Courageous' Draws $7,600 In Milwaukee

MILWAUKEE, July 16.—"Daughters Courageous" and "Nancy Drew-Trouble Shooter" connected for $7,600 at the Warner for the week's high. "Goodbye, Mr. Chips" at Fox's Palace did well with $6,800, while Duke Ellington on the Riverside stage with "Forgotten Woman" as the [illegible] grossed $8,000.

Estimated takings for the week ending July 12-13:

"Daughters Courageous" (W. B.)
"Nancy Drew—Trouble Shooter" (W. B.)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: $7,600. (Average, $4,500)
"Tarzan Finds a Son" (M-G-M)
"Missing Daughters" (Col.)
WISCONSIN—(3,200) (25c-35c-50c) 6 days. Gross: $4,100. (Average, $5,500)
"Goodbye, Mr. Chips" (M-G-M)
PALACE—(2,400) (25c-35c-50c) 7 days. Gross: $6,800. (Average, $4,000)
"Forgotten Woman" (Univ.)
RIVERSIDE—(2,700) (25c-30c-40c) 7 days. Stage: Duke Ellington. Gross: $8,000. (Average, $6,500)
"Man About Town" (Para.)
"Gracie Allen Murder Case" (Para.)
STRAND—(1,400) (25c-35c-50c) 7 days. Gross: $1,250. (Average, $1,500)

'Man About Town' Cincinnati's Leader

CINCINNATI, July 16.—"Man About Town" had a big week with $13,000 at the RKO Albee, and "Good Girls Go to Paris" did $9,500 at the RKO Palace. Business was off otherwise.

Estimated takings for the week ending July 12-15:

"Man About Town" (Para.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $13,000. (Average, $12,000)
"Good Girls Go To Paris" (Col.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $9,500. (Average, $10,000)
"Invitation to Happiness" (Para.)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $3,000. (Average, $6,500)
"Of Human Bondage" (RKO)
"Lost Squadron" (RKO)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $4,000. (Average, $5,000)
"Goodbye, Mr. Chips" (M-G-M)
RKO GRAND—(1,200) (25c-40c) 7 days, 4th week. Gross: $2,100. (Average, $2,750)
"Blind Alley" (Col.) (2 days)
"Inside Information" (Univ.) (3 days)
"Girl From Mexico" (RKO) (2 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $1,900. (Average, $2,400)
"Maisie" (M-G-M)
KEITH'S—(1,500) (30c-40c) 7 days, 2nd week. Gross: $3,800. (Average, $6,000)

Jack Berch Renewed

Jack Berch, currently airing twice weekly via Mutual and three times weekly over the NBC Blue for Sweetheart Soap, has been renewed for an additional 52 weeks, effective Aug. 1. Franklin Bruck is the agency. Columbia Artists, Inc., set the deal.

No More Passes

San Antonio, July 16.—Mayor Maury Maverick declared at a meeting of the City Council that in the future city employes will not be permitted to accept passes for film theatres. He said that the employes receive a fair wage and should be able to afford theatre admissions. Inspection of theatres by firemen will be abolished, Maverick decreed.

News Flashes For Theatres Start Sept. 1st

Theatre Communications, a newly-formed New York concern, will begin servicing theatres throughout the country with Trans-Radio Press news flashes on Sept. 1, Paul J. Davis, head of the company, said yesterday.

The flashes on domestic and foreign happenings will be broadcast by short-wave to several centrally located cities and then sent over teletypewriters to theatres in the surrounding territories. Two spot news reports will be furnished participating theatres each afternoon and two each evening. Each will last one to two minutes.

Sponsorship Explained

The news may be sponsored in the following ways: By local advertisers, by national advertisers, by combined sponsorship of advertisers and local newspapers, or the exhibitor himself may pay the service charge, or, he may have the service without charge in exchange for giving screen rights during the news flashing to Theatre Communications, which would result in this company selling time to some advertiser.

There will be no mechanical costs to the exhibitor, either for the special projector or teletypewriter that is installed, or for the installations.

Tests in Nine Midwest States

Tests of the service will be conducted immediately in the nine midwestern states, according to Davis. He sees the news service as a definite complement to newsreels, if spotted in the program just ahead of the newsreels.

Although the flashes will be timed for projection just prior to the feature, projection of the feature can be interrupted whenever the news warrants, Davis said, because the bulletins will be projected from a separate device furnished by Theatre Communications on a new type of film to be manufactured by DuPont.

Fleischer's Vacation Delays Drama Pact

Further consideration of modifications of the Dramatists Guild basic agreement by theatrical producers, film companies and the Guild council will be delayed until August 1.

Sidney R. Fleisher, Guild attorney, left for his vacation Friday and conferences will be suspended until he returns. Informed sources believe that the new pact will not be ready when the new season opens.

Both the Guild council and the League of New York Theatres have suggested changes and film companies have not yet submitted their demands. Guild will also be required to call a special membership meeting to ratify the council action.

'Nazi Spy' Is Banned

COPENHAGEN, July 16.—"Confessions of a Nazi Spy" has been banned by Danish and Norwegian censors.

Warner offces here declared that they had received no official notice of the censors' action but that they would appeal the ban through the customary channels.

SHORT SUBJECT REVIEWS

"Culinary Carving"

(M-G-M)

This Pete Smith Specialty will instruct and entertain every member of the audience who has been faced with the problem of carving the family roast. M. O. Cullen, carving expert, first shows how a leg of lamb may be carved to resemble a duck, but immediately thereafter gets down to the more serious problem facing householders. Roast beef, lamb and baked ham engage his attention and instructions are carefully given. An unfortunate husband who is seeking to impress the boss at dinner provides the laughs. An intimate item which should please. Running time, 9 mins.

"Big Leaguers"

(RKO Pathe)

Behind-the-scenes baseball, starting with the training camp grind, and covering all of the fine, hidden points of the game as it is absorbed by the rookies, make this an interesting reel for diamond-game lovers. How a pitcher learns control, the batting stances of famous sluggers, the fielding tricks that turn hits into outs, the art of bunting, the responsibilities of the catcher, are interestingly shown in fast and slow motion. Unusual camera angles help to dress up the presentation. Running time, 9 mins.

"Riding the Crest"

(RKO Pathe)

The racing waters of the Pacific Ocean off Hawaii provide daring sport for natives and visitors, and this reel has as much zest as the actual surf. The perils and sport of traveling the Hawaiian surf in canoe or sail boat are shown in entertaining manner, but the film hits the high spots with its variety of shots on the art of riding the surf on a board. The amazing dexterity of the surf board rider in navigating mountainous swells and breakers is stirring. The reel has added value in that it is in season. Running time, 9 mins.

"Swinguet"

(RKO Pathe)

Arthur Murray dancers offer a number of varieties on swing dancing. Some of the dances—all Murray originals—are the Swinguette, the Murray-go-Round, the Swedish Klopp-dance and something called the Kokey-Kokey, which is based on a childhood game. Swing fans should dote on this one, as the dances are broken down and shown step by step. Running time, 8 mins.

"Devil Drivers"

(RKO Pathe)

Excitement galore in this one, which shows the maniacal speed-driving of track daredevils in various parts of the world, including the races at Tripoli, the races of France, Monte Carlo and England, and thence views of famous American dirt track races. It is climaxed by the daddy of all auto racedom, the Indianapolis Speedway. Every foot of "Devil Drivers" is thrilling and exciting, and chilling too, when crackups are shown. Running time, 9 mins.

"The Giant of Norway"

(M-G-M)

John Nesbitt has succeeded in making each of his "Passing Parade" subjects an unusual and worthwhile addition to any program. The last, a story of Fridtjof Nansen, two-time winner of the Nobel Prize, is no exception. Nansen, an explorer at heart, was twice compelled to cancel Arctic expeditions with Roald Amundsen, because refugees needed his aid. After successfully aiding World War prisoners, he starts a campaign for Russian emigres. Later, millions made homeless by the war between Greece and Turkey require his aid. Running time, 11 mins.

"Dog Daze"

(M-G-M)

Our Gang finds its financial embarrassment serious when Butch, the bully, threatens physical violence unless his 37-cent loan is returned. The debt is incurred by treating an injured dog, but a policeman discovers that it is the station pet and rewards the gang with a dollar. When a goat eats the dollar bill, the gang decides that they will locate pets for owners. Collecting a number of dogs and one penguin, they are accused of being pet-snatchers. All ends happily, however, when the police come to their rescue and, incidentally, pay off the debt to Butch. Running time, 11 mins.

"Joy Scouts"

(M-G-M)

Our Gang, after enviously watching a troop of Boy Scouts march off for a hike, decide to do a little camping of their own. They stop at Geyser Springs and by mistake pitch their tent over a geyser. Their effort to catch some fish and cook their food should produce some laughs. They end in a poison ivy patch but are aided by the Scouts and are assured they may join when they are old enough. Running time, 10 mins.

"Colorful Curacao"

(Fitzpatrick—M-G-M)

Set in the colorful West Indies, this "traveltalk" gives an interesting view of the thriving Dutch colony. Highlight of the visit is a scene showing a quaint bridge which opens and shuts to admit sea traffic. The markets consist of boats drawn up to shore to sell their wares. In color. Running time, 9 mins.

"The Grouchmaster"

(Warners)

The application of a prospect for membership in the Grouch Club is read to the assembled long faces by the president, and as he reads, the story is reenacted of the good natured man who becomes a Grouch Club candidate. It concerns the good samaritan who witnessess an auto crash, becomes involved in the trial of the case and is so badgered by the attorneys that his good nature evaporates permanently. An entertaining short. Running time, 10 mins.

Frankfort, Ky., Anti-Trust Suit Hits at Majors

FRANKFORT, Ky., July 16. — Seven major film companies and a firm which operates three of Frankfort's four picture theatres are named defendants in a $75,000 anti-trust suit filed in Federal District Court by the New Theatre.

The suit, brought in the names of Harry Schwartz and George Myers, operators of the theatre, alleged a conspiracy in restraint of trade between the Frankfort Amusement Co. and the film distributors in allowing first, second and third run films to be distributed to the amusement company only.

Defendants are 20th Century-Fox Distributing Corp., Republic Pictures Corp. of Ohio, Loew's, Inc., Metro-Goldwyn-Mayer Distributing Corp. of Texas, the Irving Trust Co. of New York, trustee for RKO; Paramount Pictures Distributing Co., Inc., United Artists Corp., the Frankfort Amusement Co., W. J. Hulette, Frankfort; Sam Lee, Lexington, and Esther Sparks, Winchester, president, vice-president and secretary of the amusement company, respectively.

Louis Cox, attorney for Schwartz and Myers, said the theatre was damaged by the alleged conspiracy to the extent of $25,000, but treble damages will be sought under the Sherman Anti-Trust Act.

American Pictures Top Irish Market

WASHINGTON, July 16.—American pictures accounted for 82 per cent of the total imported into Eire (Ireland) last year, according to the report to the Department of Commerce from Vice-Consul E. J. King at Dublin.

Of the total of 1,506 imported last year, British films accounted for 17 per cent and German, French and Irish pictures for the remainder.

Five new film theatres, having an aggregate seating capacity of 8,000, were opened in the country in 1938, according to the report. There are now approximately 200 houses in the country equipped for sound pictures, with a total seating capacity of about 120,000. It is estimated that box-office receipts run about $6,500,000 annually.

Of the 200 houses operating, it is estimated that 70 per cent are using American projectors and about 85 of the sound reproducing equipment is of United States origin.

United Artists Signs Three Circuit Deals

United Artists closed with three eastern circuits for its entire new season lineup on Friday.

Deals were made by Charles Stern, eastern district manager, and Clarence Eiseman, New York branch manager, with Fox Metropolitan Theatres, the circuit being represented by John Benas and William White; by Stern and Fred Rohrs, Washington branch manager, with the Durkee and Rome circuits, Baltimore. Frank Durkee acted for the first and Lou Rome the second.

Court's Ruling Gives Local 37 Charter Back

(Continued from page 1)

amazement at "dictorial" powers given to Brown at the convention in 1936 at Kansas City. The jurist suggested that warring union factions in Hollywood patch up their differences.

Judge Willis declared that "there was no conspiracy in a legal sense" (to perpetuate revocation of autonomy). He continued:

"Browne evidently directed the actions of Gatelee and Stickling. They were his agents. If the union wants to shift from democratic autonomy to one-man control, that is its privilege. History of this union shows that it has drifted from individual autonomy to a single individual autocracy.

Criticizes Abuse of Power

"Under the by-laws Browne is authorized to take over all of his locals if he chooses. Lodgement in one man of that enormous power by a labor union is a momentous thing. It subjects all of the members to dangers that may arise from frailities of one man.

"If that man is a big man, a man who under no circumstances would abuse his powers, that is one thing. But if such power ever gets into the hands of a selfish person, the membership is certainly going to suffer.

"The remedy of the situation lies in the hands of the membership. Local officers, if they want a remedy, will have to get it within their own organization. There is another convention in 1940. In the meanwhile they are sunk."

Gatelee Calls It Victory

William Bioff, former personal representative of Browne and placed in charge of the Hollywood office several years ago during the suspension of autonomy of four major Locals of the Alliance, was present when Judge Willis made the ruling Friday.

Gatelee told a MOTION PICTURE DAILY reporter that the decision was a great victory for the International. He added:

"Now we shall proceed to bargain collectively with producers for our members within jurisdictions, of course, as outlined by the court.

Hails International's Record

"The Alliance is interested mainly in the continuance of its program of bettering wages, hours and working conditions for its members. The record of the International has shown it the most progressive of labor organizations in aiding its members."

In the meantime a meeting of the CIO-financed United Studio Technicians Guild is planning a mass meeting of studio workers preparatory to the formal launching of a membership drive in an attempt to overthrow I.A.T.S.E. in the production crafts.

NLRB Sets Election

National Labor Relations Board has tentatively set Friday for an election to be held of employes at the Paramount warehouse for designation of a collective bargaining agency. Bookkeepers, Stenographers and Accountants Union filed the petition for election and claims a majority.

"Greatest Year" Audit

Audited report of receipts and disbursements of Motion Pictures' Greatest Year, completed recently by Lybrand, Ross Bros. & Montgomery, accountants, follows:

Receipts

Producers and distributors	$500,000.00
Affiliated exhibitors	250,000.00
Independent exhibitors	237,464.76
Sales taxes collected to be paid to city and state agencies (see annexed schedule of items pending settlement)	678.30
Total receipts, excluding receipts from sales of accessories	$988,143.06

Disbursements

Newspaper advertisements, as annexed	$479.216.56
Movie Quiz contest prizes	250,000.00
Movie Quiz contest fees and expenses, as annexed	25,540.59
Exhibitors' contest prizes and expenses	2,143.86
Short subject—"The World Is Ours," as annexed	26,097.71
Campaign Press Book, as annexed	12,462.76
New York office salaries, as annexed	39,437.00
New York office, regional and local committee expenses, as annexed	34,645.28
Hollywood office salaries and expenses, as annexed	7,837.73
Salaries and expenses of traveling publicity promotors	5,021.55
Total disbursements, excluding expenditures for accessories	$882,403.04
Excess of receipts over disbursements, excluding accessories	$105,740.02
Excess of accessory disbursements over receipts, as annexed	13,153.01
Cash on deposit in Chemical Bank & Trust Co., May 15, 1939	$ 92,587.01

London Notes

LONDON, July 16.—The London County Council is to move for the amendment of the Sunday Opening Act, so that it can recoup from the taxes paid by theatres the money it expends in administering the measure.

The council claims that it costs them $20,000 a year to perform the services occasioned by the Sunday openings in their area and they wish to balance their budget.

The Polytechnic Cinema, Regent St., first of all English film houses, where Louis Lumiere's first films were shown in 1892, has passed into new hands. Taken over by a new company, Monument Films, it will show Continental films, pre-release features and educational subjects. Arthur Leslie, for 20 years manager of the house, remains in charge, becoming a director of the new company.

The Gaumont Theatres in Haymarket, and at Hammersmith and Lewisham, are being equipped for large screen television by the Baird system. Already equipped are the Marble Arch Pavilion, Tatler, Charing Cross Road, and the New Victoria.

The Odeon Theatre, Swiss Cottage, is to be installed with Scophony, and that system is already in the Odeon, Leicester Square.

The Essex County Council has adopted a seat price rule similar to that introduced this year by the London County Council.

The London C.E.A. have asked the council to receive a deputation on the matter and they will protest the imposition of this new regulation.

First Short Wave Broadcast Today

Film industry international short-wave programs in South America and Europe get underway today with broadcasts in six languages —English, French, German, Italian, Spanish and Portuguese. A similar series will be launched in a day or so over NBC. The initial script is devoted mainly to fan publicity material.

Brokers Fight Plan To Drop Ticket Tax

Fourteen members of the Associated Theatre Ticket Agencies Friday found as "unacceptable" a qualified proposal temporarily to suspend a levy of 3½ cents a ticket, originally presented by the League of New York Theatres and later approved by Actors Equity.

The ticket brokers pointed out that the tax had been in effect by unwritten agreement for a three-month period ending last Dec. 10, and that assessments since that time were unauthorized.

The theatre league previously had offered to suspend the tax, which is used to defray the costs of administering the ticket code, for all accredited ticket brokers who were not in arrears as of March 31.

Managers' Parley

KANSAS CITY, July 16.—Fox Midwest Theatres, Inc., have set their annual managers' convention for Aug. 15 and 16 at Excelsior Springs, Mo. Spyros Skouras of National Theatres will attend one day of the sessions, it was announced.

Ballot Today On Neely Bill; Heavy Debate

(Continued from page 1)

California, the expenses of the opposition witnesses at the hearings were paid by either the socalled "big eight" or the Hays Office.

Much of his speech was devoted to denunciation of the political activities of the Hays Office. He charged the Hays Office was not above bribery and taunted Senator Bridges of New Hampshire with the statement that, "You Republicans aren't going to get any of that money this time."

When questioned by Bridges, however, he refused to discuss James Roosevelt's relationship to the motion picture industry.

Neely told the Senate his bill was complementary to the Government's anti-trust suit against the industry. He described it as necessary because "in no other industry is the buyer or lessee so at the mercy of the Senate."

Promises "Fight to the Finish"

He even referred to the Internal Revenue Bureau's report on salaries paid film company executives, declaring, "The industry will not suffer financially from these slight reforms."

He concluded, "This fight will be fought to the finish."

Senator Smith of South Carolina, chairman of the sub-committee in charge of the measure, and Senator White of Maine opposed the bill. Smith declared:

"I do not think that any greater calamity could befall the most marvelous industry of modern times than the passage of this bill at this time."

He went on to say that the common sense and inherent decency of the people can be relied upon to improve the quality of pictures.

"I do not see any need," Smith said, "to burn down the house to get rid of a rat."

Praises Block Booking

As to block booking, Smith told the Senate, "When you have a complete understanding you applaud it rather than denounce it.

"I beg of you to leave the producer and distributor and the public to solve this problem rather than to inject into it our views of what would be best for the second greatest industry in America."

Senator White, in his address, reviewed the charges made against the industry by proponents of the bill. He declared that in view of the size and wide-flung activities of the industry, a definite plan of distribution like block booking is essential to its successful operation.

Cites Anti-Trust Statutes

"If there is any monopoly in this industry, as charged," White said, "there is a remedy in the present anti-trust statutes.

"I am opposed to writing an anti-trust statute for a single industry."

White told the Senate further that the penalties of the bill are those of a criminal statute but the offenses are neither of criminal magnitude nor set forth sufficiently explicitly for members of the industry to be sure at any time that they are not violating the law.

32 Releases By Monogram For England

LONDON, July 16.—W. Ray Johnston yesterday announced that the new Monogram program will consist of thirty-two dramas to be released in England through Pathe Pictures Ltd., by W. J. Gell, managing director.

Instead of six pictures in the top bracket, the new program will consist of ten top pictures, the group being headed by a picture starring Jackie Cooper, as yet untitled. The English classic, "Tom Brown's Schooldays" is being considered as the Cooper vehicle.

Another top line allocation picture will be the famous Washington Irving story "Rip Van Winkle" which Johnston states they plan to make in color and for which picture they are negotiating with Jean Hersholt as the star.

"Queen of the Yukon," adapted from Jack London's famous novel, will be another picture and will follow quickly behind Monogram's latest success, "Wolf Call."

Two pictures featuring the youthful Monogram player, Martin Spellman, follow this group. One is "Son of the Navy" written by one of Hollywood's most popular writers, Grover Jones, and the other will be "His Father's Son" adapted from an American Magazine story. John Carroll, Monogram contract player will appear in the latter production with Spellman.

Monogram intends to increase the production budget on the 1939-'40 program by 50 per cent on pictures in the top allocation and 33 per cent on the remaining productions.

RCA Court Victor Over Radio Discs

RCA Manufacturing Co., complainant in an action against Paul Whiteman, and WBO Broadcasting Corp., established its rights to control use by radio broadcasts of phonograph records of its manufacture, according to a decision of Judge Vincent L. Leibell of the U. S. District Court of New York.

Although not a party in the action, the NAB counsel was permitted by the court to argue the position of the broadcasting industry against that of the record manufacturer. Its counsel also filed briefs which were studied by the court.

The court issued an injunction in favor of RCA against WBO, Inc., operators of WNEW, New York City, permanently restraining the station from further unauthorized use of Victor and Bluebird records. Injunctive relief was also directed in favor of RCA and against Paul Whiteman from further asserting, either directly or through the National Association of Performing Artists, that he has the right to prevent or permit radio broadcasts of Victor or Bluebird records embodying his performance unless an express reservation of this right was made in his contract of employment.

NAPA is an association formed recently to assert the claims of certain performing artists that they have the right to control the commercial use of their records.

BANNER RADIO LINES

By JACK BANNER

20TH CENTURY-FOX FILM ON TELEVISION . . . NBC's television department seems to be making slow but steady progress in obtaining feature length films for presentation on the air. To date, however, the product placed in their way has been foreign film, and a scattering of independent pictures. Now, however, information comes to light that the network has obtained its first picture from a major studio. The picture is "Dude Ranger," 20th Century-Fox, which features George O'Brien and Irene Hervey, and was made in 1935.

Whether this indicates a reversal of the opposition to television, is something that must be guessed at for the moment, for efforts to obtain any information on the matter over the week-end were unavailing. All that is definitely known is that NBC has the film scheduled for television airing on July 26.

▼

IRONY . . . Alan Corelli of the Theatre Authority was one of the chief witnesses against Ralph Whitehead, executive secretary of the American Federation of Actors, in the recent 4-A trial. In Whitehead's office there still hangs a picture of Corelli with the following autograph:

"To Ralph:
Whose untiring efforts on behalf of the actor has brought the A.F.A. to its eminent position in the theatrical profession.

Sincerely,
Alan Corelli."

▼

BAKER LEARNS . . . During a recent broadcast Phil Baker said something in a funny vein about the King and Queen eating skinless frankfurters during their visit to this country, and the National Sausage Casing Manufacturing Association, who make skins for the hot doggies, registered vigorous complaint and vaguely threatened to sue. Baker has called them off by agreeing to say something in favor of frankfurters in casings in a subsequent broadcast.

▼

BEN LYONS, BEBE DANIELS ON AIR . . . Ben Lyons and Bebe Daniels will fly from the Coast to appear in a minstrel show on the "If I Had the Chance" series on Aug. 1. It will mark their first public appearance in this country in years, although they have been heard occasionally here on short-wave from Europe.

▼

PERSONALS . . . Harry Von Zell starts his vacation this week, and it will take three announcers to fill his shoes on his programs. The replacements are Ralph Edwards, Mark Hawley, and Del Sharbutt. . . . Max Weiner, WNEW chief engineer, starts on vacation today. . . Irene Davis, assistant to sales manager Herman Bess of WNEW, and Rosalind Sherman, were week-end guests of the Bess's in Deal, N. J. . . . Larry Nixon has edited a book titled "What To Do When War Comes." . Kibitzer Budd Hulick sends a sheet of paper blank except for the words, "For editors who never read press releases anyway."

▼

MURRAY-ANDREW SISTERS COMBINE . . . Lynn Murray has formed a dance orchestra, and it has been selected by the Andrew Sisters to play with them in all vaudeville and recording bookings, as well as one-night dance dates.

Films' Greatest Year Report Made Public

(*Continued from page* 1)

total costs were $201,447.

The receipts from independent exhibitors include Canadian exhibitor contributions of $13,000. Total collections in Canada were $15,424 and a cash balance of $381.67 remains in the custody of Col. John A. Cooper, according to the report.

The report concludes with the notation that on May 15, last, Chemical Bank & Trust Co., New York, which acted as distributors of the Movie

The report covers the period from July 25, 1938, when the campaign office first began to function, to May 15, 1939. The Movie Quiz contest ended Dec. 31, last, and campaign offices were closed during March.

(Complete financial statement will be found on Page 8).

New Job for Owings

Dorsey Owings, formerly special events and public relations director of WINS and formerly head of marketing of Cowan & Prindle, has been elected president of Portable Electric Power, Inc., an organization formed to market a new type of portable electric power for radio.

Fanny Brice Sues 20th-Fox on Film

CHICAGO, July 16.—Fanny Brice, comedienne of musical comedy, screen and radio, Friday filed suit for $750,000 against 20th Century-Fox and a number of actors as result of the picture, "Rose of Washington Square." She contends that the film infringes upon her right to privacy.

200 Honor Mayer; Hays Toastmaster

LOS ANGELES, July 16.—Two hundred motion picture executives, actors, actresses, business officials and M.R.A. delegates from all over the world Friday attended a luncheon in honor of Louis B. Mayer, vice-president of Metro. The event was a prelude to the mass "Call to the Nations" Wednesday night at the Hollywood Bowl. Will Hays, president of M.P.P.D.A., was toastmaster at the Mayer luncheon.

Sales Tax Extended

JEFFERSON CITY, Mo., July 16.—Gov. Lloyd C. Stark has signed the bill extending Missouri's 2 per cent sales levy in its present form for another two years, to December 31, 1941.

FCC Hearings On Broadcast Permits Billed

WASHINGTON, July 16.—The Federal Communications Commission has set tentative dates for hearings on broacast matters, as follows:

Sept. 26: Application of WSPR, Springfield, Mass., for change of frequency from 1,140 to 1,240 kilocycles and extension of time from limited to unlimited with 250 watts power night, 500 watts day.

Seeks Oklahoma Station

Sept. 27: Application of Dr. Willard Carver, Thomas B. Williams and Byrne Ross for a new 1,420-kilocycle, 100-watt station at Lawton, Okla.

Oct. 23: Applications of Opelika-Auburn Broadcasting Co. for a new 1,370-kilocycle station with 100 watts night, 250 watts day, at Opelika, Ala., and WCBS, Springfield, Ill., for change of frequency from 1,420 to 1,290 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day.

Applications Revealed

The commission also ordered hearings, on dates to be fixed later, on the applications of Hazlewood, Inc., for a new 1,390-kilocycle, 1,000-watt station at Orlando, Fla.; Harold Thomas for a new 1,310-kilocycle station with 100 watts night, 250 watts day, at Bridgeport, Conn.; Nevada Broadcasting Co., for a 1,370-kilocycle station, with 100 watts night, 250 watts day, at Las Vegas, Nev.; Las Vegas Broadcasting Co., Inc., for a 1,420-kilocycle station with 100 watts night, 250 watts day, at Las Vegas, Nev.; Radio Voice of Springfield, Inc., for a new 1,310-kilocycle, 100-watt station at Springfield, O.; WNBX, Springfield, Vt., for authority to move to Keene, N. H.; KWK, St. Louis, for change of frequency from 1,350 to 630 kilocycles; KMAC, San Antonio, for change of frequency from 1,370 to 930 kilocycles and increase of power from 100 watts night, 250 watts day, to 1,000 watts, and WRUF, Gainesville, Fla., for increase of day power to 10,000 watts.

Wisconsin Showmen Using Store Tieups

MILWAUKEE, July 16.—Exhibitors in a number of Wisconsin cities are tieing up with merchants to present free shows for children and adults.

At Marinette, a local service station is giving a free Saturday morning ticket to the Fox with the purchase of $1 or more of merchandise or service. At Manitowoc, the circuit's Strand admits children free to Saturday matinees upon presentation of a top from an ice cream cup.

Through a tieup with a local department store, the Bay in Green Bay admitted children on tickets obtained free from the store to a Saturday morning show.

In the La Crosse, the La Crosse Theatres Co. has tied up with the Nash Coffee Co., Minneapolis, whereby purchasers of Nash coffee are given tickets admitting them free to the circuit's Wisconsin, Bijou, Riviera and Strand in La Crosse. The offer is available at more than 100 La Crosse grocery stores.

"There were crowded houses at the Music Hall yesterday, the biggest opening since Easter; and the film—



Edward Small's

THE MAN IN THE IRON MASK

—deserved it!"

Eileen Creelman
New York Evening Sun

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Alert, Intelligent and Indispe to the Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

M.P.P.D.A. OF AMERICA,
28 WEST 44TH ST.,
NEW YORK,
N. Y.
(6 COPIES)

VOL. 46. NO. 11 NEW YORK, TUESDAY, JULY 18, 1939 TEN CENTS

AFA in Court As New Guild Enrolls 1,000

Challenges Trial Board; Criticizes Equity

An injunction against the Associated Actors and Artistes of America and the newly-formed American Guild of Variety Artists will be sought before N. Y. Supreme Court Justice Edward J. McGoldrick this morning by Abraham J. Halprin, attorney for American Federation of Actors. The 4-A, declaring that it was "fully prepared," continued its efforts to organize performers in the A.F.A. jurisdiction. Approximately 1,000 members have been enrolled by A.G.V.A., it was claimed.

Halprin will seek a judgment vacating the decision of the trial board and an injunction restraining enforcement of the decision which revoked the A.F.A. charter.

Charges are that the trial board was "illegally constituted," that the allegations were insufficient, that jurisdiction was vested in the A.F.A. council and not the board, that for financial considerations the board was under the control of Actors Equity

(*Continued on page 8*)

Greatest Year Cash Favored for Jubilee

Part of the $92,587 balance remaining from the $1,000,000 Motion Pictures' Greatest Year campaign of 1938 may be used for the Golden Jubilee observation expenses, campaign sources indicated yesterday.

There are approximately $19,500 in unpaid bills for last year's campaign, settlements of which are being discussed. This leaves a minimum balance of $73,000, in which distributors have a 50 per cent equity and affiliated theatres a 25 per cent equity. It is assumed that some part of the funds represented by these equities could be made available for the Golden Jubilee observation expenses.

In the event that any question concerning the use of the funds arose, the M.P.P.D.A. has agreed to meet what small expenses may be incurred in putting out the Jubilee campaign press book. Expenses of the New York working committee will not exceed $10,000, it is understood.

Major companies have approved the observation with the understanding that it will require no cash contribution.

Writ at Milwaukee Bans Chance Games

Milwaukee, July 17.—Theatre owners operating chance games and other giveaways are seriously concerned here by the broad injunction issued by Circuit Judge Gustave G. Gehrz today against all games of chance operated at the Milwaukee Mid-Summer Festival by the Rubel & Cherry Exposition, carnival concessionaires. The complaint was lodged by a local merchant.

The apprehension in theatre circles is caused by the fear that the successful abolition of games of chance in the carnival may set other merchants on the trail of theatres in an effort to legally abolish chance games therein.

RKO Seeks Right To Elect Directors

Federal Judge William Bondy on Thursday will hear a petition by Irving Trust Co., as trustee of RKO, for authorization to call a meeting of the remaining directors of the present company for the purpose of electing as new members of the board those nominees already approved by the court.

The new members would, of course, carry over as directors upon the formation of the new RKO company with completion of the reorganization.

The trustee's petition points out that while there are only four members of the old RKO board remaining, and that only two of these will be members of the reorganized company's board, RKO's certificate of incorporation provides that the board has the power to fill vacancies at any meeting regardless of the presence of a quorum.

The petition states that immediate election of the new board would give

(*Continued on page 2*)

NEELY BILL WINS IN SENATE 46 - 28; DEBATED 3 HOURS

King Challenges Its Constitutionality; House Vote Unlikely This Session

WASHINGTON, July 17.—By a vote of 46 to 28, the Senate today approved the Neely bill and sent it to the House. No further action on the measure, however, is expected this session.

Passage of the bill followed nearly three hours of debate, after the Senate found itself unable to dispose of the measure last week.

Supporting the bill, Senator Capper of Kansas declared his interest in the measure was not concerned with the exhibitors but with the religious, civic, farm and other organizations that are pressing for its passage.

However, Capper said, "I do not believe it is sound policy for any distributor of motion pictures or any other commodity to say to the prospective buyer 'you must take the things I have for sale that you do not want in order to get the things you do want.' That seems to be to restraint of trade."

Calls It Coercion

Full line forcing, he continued, is a form of coercion. When the local exhibitor has no choice of pictures there is nothing he can do when an undesirable film is offered him, he said.

"Exhibitors should be in a position to cooperate with their local patrons in selecting pictures," Capper asserted. "To make this possible, they should have the right of selection and sufficient information to aid in selecting the films their audiences will want."

"I have reached the conclusion that this bill is not only unconstitutional but that it is full of objections which it seems to me not only justify but require an adverse vote," Senator King of Utah told the Senate.

King Attacks Evils of Bill

Neely's amendments, he said, do not "mitigate what I conceive to be injustices, if not the evils of the bill."

Citing the argument that block booking and blind selling should be made unlawful because they tend to monopoly, King said:

"There is no denying that the bill, if enacted, will seriously interfere with the freedom of distributors in marketing their films. Our economy is based upon the freedom of competitive enterprise."

If there is any monopoly in the industry, he said, there is ample pro-

(*Continued on page 6*)

Court Upholds Film Ban in Providence

PROVIDENCE, July 17.—"A license to show motion pictures publicly for a price is necessarily a mere privilege and not in any sense a right of property," Justice Francis B. Condon of the Rhode Island Supreme Court ruled today in denying a writ of certiorari to the Theyer Amusement Corp., operators of the Avon, against the Providence Bureau of Police and Fire, which banned "Professor Mamlock."

Justice Condon held that the Supreme Court had no power to review the police decision and that the court could not overrule the ban in the event it disagreed with the censorship. There being no provision for a hearing before the board, the censors could ban a film without a hearing, the opinion stated, but "it may be that there would be less danger of arbitrary action if a hearing were made a prerequisite; but that is a matter for legislative consideration and not for us."

The court held that the "due process" clause of the U. S. Constitution was not violated and that constitutional guaranties of freedom of speech and press were not contravened.

Brandt To Washington Today

WASHINGTON, July 17.—Col. H. A. Cole, Allied president, will arrive in Washington tomorrow to discuss with Abram F. Myers, Allied counsel, the invitation to confer with Department of Commerce officials Wednesday.

Myers indicated tonight that in view of today's passage of the Neely bill by the Senate, Allied probably would accept the Department's invitation.

Harry Brandt, president of I. T. O. A., accompanied by Milton C. Weisman, counsel, and Lionel Toll will confer with the Department of Commerce today. Brandt will oppose the Neely bill and all other legislation dealing with the industry and urge acceptance of the trade practice code with amendments.

A special meeting of the board of governors of I. T. O. A. will be held tomorrow to hear the delegation's report.

Studios Shoot 41 New Films; 14 Completed

HOLLYWOOD, July 17.—Forty-one pictures were shooting this week as 14 finished and 10 started. Eighteen are being prepared and 81 are in the cutting room. Started were "Konga," "Prison Surgeon," an untitled western, "Irish Luck," Monogram; "Untamed," Paramount; "The Hunchback of Notre Dame," "Allegheny Frontier," "Fighting Gringo," RKO; "Outlawed Marshal," Universal.

In addition to these, shooting were: "Five Little Peppers and How They Grew," Columbia; "A Day at the Circus," "Ninatchka," "Blackmail," "Balalaika," M-G-M; "Are Husbands Necessary?" "Dr. Cyclops," "The Light That Failed," "Our Neighbors the Carters," "Seventeen," Paramount; "The Day the Bookies Wept," RKO; "Dick Tracy's G-Men," "Flight of Midnight," Republic; "Housekeeper's Daughter," Roach; "Intermezzo," Selznick; "Here I Am A Stranger," "Hollywood Cavalcade," "Adventures of Sherlock Holmes," "Drums Along the Mohawk," "Tin Hats," "City in Darkness," 20th-Fox; "The Underpup," "Modern Cinderella," "First Love," Universal; "Eternally Yours," Wanger; "On Your Toes," "20,000 Years in Sing Sing," "The Roaring Twenties," "We Are Not Alone," Warners.

Finished were: "The Man They Could Not Hang," Columbia; "Thunder Afloat," M-G-M; "Ruler of the Seas," "$1,000 a Touchdown," "Death of a Champion," Paramount; "Everything's on Ice," Principal; "Full Confession," "Conspiracy," RKO; "Mob Fury," Republic; "Gone With the Wind," Selznick; "Frontier Marshal," 20th Fox; "They Can't Hang Me," Universal; "Career Man," Warners.

Goldwyn to Attend Premiere at Rivoli

A private preview performance of Samuel Goldwyn's "They Shall Have Music" will be held at the Rivoli on July 25 for the benefit of the Greenwich House music school and the High School of Music and Art.

Goldwyn will arrive in New York Monday and attend the preview performance, which is sponsored by a committee consisting of Mayor LaGuardia, Mrs. Vincent Astor, Mrs. Mary Simkhovich, Mrs. H. R. Stern and Commissioner of Licenses Paul Moss.

RKO Seeks Right To Elect Directors

(Continued from page 1)

its members an opportunity to familiarize themselves with company operations pending completion of the reorganization, it would provide a continuity of management between dissolution of the old and formation of the new company and would give the new board the opportunity to pass on the corporate papers of the new company.

The last election of RKO directors was held March 23, 1932. James G. Harbord and Lunsford P. Yandell, both representatives of R.C.A., are the only members of the present board who will be members of the new one.

Purely Personal

ROBERT RISKIN, partner with FRANK CAPRA in the recently organized Frank Capra Productions, will sail tomorrow on the *Queen Mary* for a European vacation.

•

HERBERT DRAKE, assistant drama editor and critic of the *New York Times*, will join ORSON WELLES and JOHN HOUSEMAN of the Mercury Theatre on Aug. 1, acting as general coordinator of the Mercury enterprises. HENRY SENBER will continue as theatrical press representative.

•

MOE and CURLY HOWARD and LARRY FINE—the Three Stooges—arrived in New York yesterday on the *Queen Mary* after a six-weeks personal appearance tour of the British Isles. They will leave for Hollywood in a day or two to start work in a new Columbia comedy.

•

SALLY EILERS has obtained a leave of absence from the RKO studio following completion of "Full Confession," and will appear in the feminine lead of "College Widow," at the Mohawk Drama Festival, Union College, Schenectady, N. Y.

•

THOMAS P. COMERFORD, nephew of the late M. E. COMERFORD, and an official of Comerford Theatres, Inc., is recovering at Mercy Hospital, Scranton, Pa., following an appendicitis operation.

•

WILLIAM MORROW, script writer for the JACK BENNY radio show and the dialogue for the comedian's film, "Man About Town," is on his honeymoon in San Francisco.

•

RALPH RICHARDSON has been signed to a long term contract by ALEXANDER KORDA (United Artists). He appears in the forthcoming "Four Feathers."

•

JOHN MEEHAN has been signed by WALTER WANGER to write the screen play of "House Across the Bay," which ARCHIE MAYO will direct, for United Artists release.

•

E. V. RICHARDS, Saenger Theatre head, is in New York from New Orleans and Baltimore with members of his family on a personal trip. He will be here about 10 days.

•

COL. HARRY E. LONG, Loew division manager in Cleveland, and MRS. LONG have returned from a vacation trip to Canada.

•

EVERETT STEINBUCK, manager of Loew's State in Cleveland, and MRS. STEINBUCK, are on a motor tour through Yellowstone National Park.

•

HERMAN GOLDEN of the Columbia foreign department will sail Thursday on the *Panama* for a six weeks' business trip to Panama and Cuba.

•

LEONARD GOLDENSON of the Paramount theatre legal department returned to New York yesterday from Detroit.

•

A. H. BLANK of Tri-States Circuit is in New York from Des Moines for Paramount home office conferences.

•

HERB BERG of the Paramount publicity department is vacationing at Montauk.

SOL LESSER is in San Francisco from Hollywood, conferring on a possible film deal with LOUIS LURIE, financier.

•

DOUGLAS FAIRBANKS, JR., and his bride, the former MARY LEE EPLING HARTFORD, arrived last night from Boston, where they had been vacationing over the week-end. FAIRBANKS plans to be in New York three or four days. He and his wife will then go to Hot Springs, Va., for an extended vacation.

•

RALPH POUCHER, EDWARD GOLDEN, MURRAY and EMANUEL SILVERSTONE, JOHN EMERY, TALLULAH BANKHEAD, CHARLES CASANAVE, GEORGE SHERMAN, JACK COHN, ARTHUR KELLY lunching at BOB GOLDSTEIN'S Tavern yesterday. Also WILLIAM FITELSON, RODNEY BUSH, HARRY THOMAS, LAURENCE SCHWAB, HERMAN SHUMLIN, PAUL O'BRIEN, JOSEPH MALCOLM.

•

ROBERT SHERWOOD, president of the Dramatists Guild, and author of "Abe Lincoln in Illinois," arrived from a European vacation on the *Queen Mary* yesterday. He leaves this week for the RKO studios to aid in the production of the film version of his play.

•

GARY COOPER, his wife, the former SANDRA SHAW, and their two-year-old daughter, MARIA, arrived yesterday. COOPER plans to stay about six weeks in the East on his first vacation in almost a year.

•

JOHN H. OTTERSON, former president of Paramount, was a visitor in what was once his office when he called on President BARNEY BALABAN on Friday.

•

GEORGE RAFT, who has just finished starring in "I Stole a Million" for Universal, arrives this morning. He plans a European vacation after a short visit here.

•

JUNE CARLSON, 20th Century-Fox player, has left New York for Wilkes-Barre, Pa., to visit her parents before returning to the studio from her vacation.

•

FRANK COWGILL, manager of the Paramount, Anderson, Ind., was a visitor at Round Table headquarters.

•

RUTGERS NEILSON, RKO publicity manager, is spending a brief vacation at Atlantic City.

•

MONA RILEY, secretary to MATTHEW FOX, Universal vice-president, observed a birthday yesterday.

•

OSCAR DOOB was a weekend guest at JOHN BALABAN'S farm near Aurora, Ill.

•

S. PRYOR, manager of the Cactus at Austin, Texas, and MRS. PRYOR are the parents of a girl.

French Corp. Hearing

Hearing on the confirmation of the plan of reorganization of the French Motion Picture Corp. was fixed for July 27 by Federal Judge Bondy yesterday. Under the plan, general creditors will receive 15 per cent cash payment and an additional $5,000 capital will be raised. Wages and tax claims will be paid in full.

French Films Challenge U. S. Reels in Cuba

American films are retaining their popularity in Cuba, although French films are increasing steadily in public favor and threaten to become a competitive factor in the market, according to Harry Weiner, Ur[illegible] Artists manager for Cuba, who arrived in New York yesterday for a home office visit of several weeks.

Weiner attributed the improvement in the commercial position of French films to the strengthening of French technical and dramatic production skill by refugees who have become associated with the French industry in recent years.

Freed of propagandistic film requirements imposed in Germany, these producers have contributed much to the improvement of current production in France, he believes. Commercial inroads of the films thus far, however, have been registered more at the expense of other foreign language films than at that of Hollywood.

Weiner said that Cuban film production shows little evidence of attaining significant proportions in the near future. At present, it is confined to about 12 pictures annually from about six active producers. The pictures are not sold outside of Cuba so budgets are extremely limited, seldom exceeding $40,000.

Arthur Hornblow, Paramount producer, reported on his return from a European trip recently that French films were displacing American "B" pictures throughout the Scandinavian countries. He attributed their increasing popularity to the same factors cited by Weiner.

Warners Hails Best Season in London

Warners had its best year in London during the past season, Max Milder, managing director for Warners and First National in England reported yesterday upon his arrival on the *Queen Mary*. Milder is here on a vacation trip. "Confessions of a Nazi Spy" is now in its fifth week at the Warner, London, and should gross $1,500,000 in the United Kingdom, Milder estimated.

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Motion Picture Herald heralds Paramount promotion plans...

Reprinted from Motion Picture Herald, July 15, 1939

GOVERNORS, RIVERS, ORPHANS, SHIPS, INDIANS, ALL IN PARAMOUNT'S PLANS

The trade's comparatively new publicity technique of making the introduction of a motion picture into a national event, synchronized with national advertising, national exploitation and national broadcasts, with banners and ballyhoo, street parades and Governors' proclamations, is about to be put to a new high mark by Paramount, which has pegged eight pictures for extraordinary merchandising treatment within the next eight weeks.

It was all started by Paramount with "The Buccaneer" in New Orleans early in 1938.

Now Paramount is about to adopt the treatment on the wholesale, all for new 1939-40 productions, with no less than 30 special screenings for one picture, screenings for 48 Governors on another; a third will take in a search of orphanages, another will shift the scene to the Indian country of Arizona, where a "Hollywood premiere" will be put on in the dead center of an Apache Reservation.

Studio-built ships will make a trans-continental tour of the nation's waterways, like Paramount's trans-continental rail ride for "Union Pacific." The S.S. Queen Mary, Nassau and other places are all slated for parts in the mass merchandising.

Pictures and Plans

Robert M. Gillham, director of Paramount advertising and publicity, announced that first on the list of field exploitation activities will be key city trade and press screenings of "Beau Geste," lead-off picture for 1939-40. Beginning July 18th with a press preview at the Carthay Circle in Los Angeles, 30 subsequent screenings will be staged throughout the country by Cliff Lewis, Terry DeLapp, Harlan Hobbs, Rufus Blair and Carl Kruger from Mr Gillham's studio staff and by Alec Moss, Al Wilkie and C. N. Odell of the home office force

Also, "Beau Geste" will first be presented to Canadian exhibitors at the meeting of theatre managers of Famous Players Canadian, Ltd., who will gather from coast to coast for the first time in a dozen years in Niagara Falls, Ontario, on July 24th-27th.

Next to receive special attention will be Bob Burns' new "Our Leading Citizen," to be screened for the Governors of the 48 states, followed by a special coast-to-coast radio broadcast from Van Buren, Ark., honoring Bob Burns, the town's "leading citizen." Mr Burns is to head the "all-star" cast to Arkansas, for this broadcast, with appropriate fanfare just prior to the national release date.

A lecture tour by Irvin Cobb, author of the story, and tie-up with the Washington, D. C., Press Club are additional activities tied in.

Because Linda Ware, 13-year-old leading "woman" in Bing Crosby's "The Star Maker" is a graduate of an orphan asylum, Paramount is planning a nationwide search for the "most talented orphan" in a score of key cities who will be joint guests of Miss Ware and Paramount on a "Cinderella" trip to Hollywood. Tie-ups will be made with local papers.

Also, "The Star Maker" will be exploited by a coast-to-coast broadcast honoring Gus Edwards, oldtime showman, whose life story forms the basis for the screen play.

"Geronimo!" the action story based on the life of the Apache chief, will have a "back to the Indians' world premiere" in the town of Geronimo, Arizona, on the Apache Indian reservation early in September. Some 250 Hollywood and New York newspaper correspondents will be the company's guests. A radio broadcast from the station at the nearby town of Stafford is planned.

Following the "Geronimo!" Apache-land premiere, the picture will be opened with special campaigns in Salt Lake City and Denver and these will be followed by five additional selected dates per week until the picture has played approximately 20 test engagements.

"The success of the trans-continental tour of the 'Union Pacific' train has inspired an even more ambitious plan for the exploitation of Frank Lloyd's production, 'Ruler of the Seas,'" says the company Official permissions are now being obtained from state and national authorities to permit the transportation by truck and natural waterways to a number of important cities of the two 40-foot boats which were built for the picture—reproductions of the "Sirus" and "Dog Star" which staged a trans-Atlantic sail vs. steam race in 1838.

"Premiere" on SS. Queen Mary

A "world premiere" of "Ruler of the Seas" aboard the *SS Queen Mary*, tied in with a trans-Atlantic short-wave radio broadcast from Hollywood, New York and London, is now being evolved.

Because of the presence in Hollywood of Charles Laughton and Maureen O'Hara, star and leading woman of "Jamaica Inn" and Alfred Hitchcock, who directed this Laughton-Pommer-Mayflower production—all three hailing from England—Paramount exploiteers will stage another trans-Atlantic short-wave broadcast in connection with the New York premiere of "Jamaica Inn" at the Rivoli theatre early in the autumn.

A tie-up with the Cunard White Star steamship line modeled on the similar tie-up with the Union Pacific Railroad, has been set up by Hal Danson of the Paramount home office, for the cooperation of the steamship company's facilities for publicizing this story based on the first Cunard steamship venture.

"Are Husbands Necessary?" starring Madeleine Carroll and Fred MacMurray has Nassau, Bahamas, as a background for some of its action and appropriately the picture is slated to be premiered in Nassau before a select group of British Colonial dignitaries and socialites in mid-September. Leading newspaper correspondents from the Atlantic seaboard will be guests at this tropical premiere.

Lloyd C. Douglas, author of the best-seller, "Disputed Passage," will lecture in a number of cities prior to the release of the picture, in which Dorothy Lamour, Akim Tamiroff and John Howard are featured and the film company's radio contacts are hopeful of presenting the author in a series of broadcasts on or about the release date.

Thursday Night JULY 20TH

Opening gun of huge exploitation campaign on Paramount's "THE STAR MAKER"



Bing Crosby returns for one night only to Kraft Music Hall program over the NBC Red network of 74 stations to introduce the new "STAR MAKER" hit tunes "Go Fly a Kite," "A Man in a Dream," "An Apple for Teacher," "Still the Bluebird Sings."

Remember what that Jack Benny Waukegan broadcast did for "MAN ABOUT TOWN"...well, this is only one of the big broadcasts pre-selling "THE STAR MAKER."

Paramount Pictures

'About Town' Seattle Lead, Pulls $7,100

SEATTLE, July 17.—"Man About Town" and "Code of the Streets" drew $7,100 at the Paramount, with cooler weather assisting. "Goodbye, Mr. Chips" took $5,600 in its second week at the Music Box.

Estimated takings for the week ending July 14:

"Susannah of the Mounties" (20th-Fox)
"Panama Lady" (RKO)
BLUE MOUSE — (950) (30c-40c-55c) 7 days, 2nd week. Gross: $3,200. (Average, $4,000)
"Calling Dr. Kildare" (M-G-M)
"Bridal Suite" (M-G-M)
FIFTH AVENUE—(2,500) (25c-30c-40c-55c) 7 days. Gross: $6,900. (Average, $7,000)
"Good Girls Go to Paris" (Col.)
"Outside These Walls" (Col.)
LIBERTY — (1,800) (25c-30c-40c-55c) 7 days, 2nd week. Gross: $4,400. (Average, $5,000)
"Goodbye, Mr. Chips" (M-G-M)
MUSIC BOX—(950) (25c-30c-40c-55c) 7 days, 2nd week. Gross: $5,600. (Average, $5,000)
"Naughty But Nice" (W. B.)
"Hotel Imperial" (Para.)
ORPHEUM—(2,450) (25c-30c-40c) 7 days. Gross: $6,100. (Average, $6,000)
"Mountain Rhythm" (Repub.)
"Unmarried" (Para.)
PALOMAR — (1,500) (15c-25c-30c-40c) 7 days. Vaudeville headed by Watson Sisters. Gross: $5,300. (Average, $5,000)
"Man About Town" (Para.)
"Code of the Streets" (Univ.)
PARAMOUNT — (3,050) (25c-30c-40c) 7 days, 2nd week, "Man About Town." Gross: $7,100. (Average, $6,000)

Members Policing Summer Theatres

Policing of Summer stock theatres is up to members working in that field, *Equity*, official organ of Actors Equity, declares in its current issue. Robert Keith, of Equity's council, was compelled to resign from the policing job because of professional engagements, and recommended that the efforts be abandoned. "Connivance" between managers and actors could not be unearthed, Keith said. The council has accepted his suggestion and advised actors that violations of contract must be reported.

Goetz Again Heads Cincinnati Bookers

CINCINNATI, July 17.—Joe Goetz, assistant division manager for RKO in charge of personnel, has been unanimously reelected president of the Cincinnati Bookers Club, for his fourth successive term. James Burnetti, Warner booker, was elected secretary and treasurer. There is no office of vice-president.

Mrs. E. L. Shakespeare, local exhibitor for many years, and E. H. Mayer, MOTION PICTURE DAILY correspondent, were elected honorary members. A midnight baseball game between bookers and shippers of Film Row was arranged at the meeting.

$300,000 Modernization

KANSAS CITY, July 17.—Temple DeVilbliss has joined the Griffith-Dickinson Theatres, Inc., here as construction engineer in charge of the circuit's $300,000 modernization program, already well under way. DeVilbliss for several years has occupied the same position with the Griffith Amusement Company in Oklahoma and with R. E. Griffiths in Texas and the Southwest.

Hollywood Previews

"I Stole a Million"

(Universal)

HOLLYWOOD, July 17.—"I Stole A Million" tells, with an exception or two, a grim yet gripping story in an honest straightforward way. It deals with matters that people would not like to have happen to themselves or their intimates but which, when they concern others, provoke a curiously sympathetic interest.

It's about a man who, having been made the victim of the injustice of sharp business practice, turns criminal; who is cheated in turn by criminals and cheated by his own crimes. He sought and found escape from criminality in love, marriage and parenthood, but he never could get away from the credo "if someone wrongs you, wrong him twice as much in revenge." From a man who first ventured into crime as the dupe of a shrewd gangster, he progresses through a career of thievery that culminates in a profitless $1,000,000 robbery. Knowing that he never could do what his wife wanted him to do, he ran into death.

This picture presents George Raft in the type of character that shows him off to best advantage. In turn frantic, sinister, affectionate and desperately vicious, his work is a reminder of his part in "Scarface." Next to Raft, Claire Trevor is the center of attention. As the girl who didn't want to love, yet could not resist a fascination that led to great happiness and stark tragedy, she gives a convincing performance. Dick Foran, Henry Armetta, Victor Jory and Joe Sawyer are closely concerned, yet Raft and Miss Trevor carry the story.

It is not at all unlikely that "I Stole A Million" may come to be a surprise entertainment and commercial proposition. Whether or not, with the leads and support doing good work, the Lester Cole story, adapted by Nathanael West and directed by Frank Tuttle, is a sincere effort to do something different.

Running time 75 minutes. "G."* G. McC.

"Mr. Wong in Chinatown"

(Monogram)

HOLLYWOOD, July 17.—This third in the Wong series of mystery pictures from Monogram hits a vein that looks like pay dirt in bonanza quantity. It's a tight screenplay from the knowing typewriter of screenwise Scott Darling, complete with timely connotation and notably commonsense performances. It's the kind of detective film an exhibitor can sit down among his customers to look at without worrying about what they'll say to him when the lights go up.

Boris Karloff and Grant Withers turn in commanding performances as the Americanized Chinese sleuth and the American police officer. Karloff gives his portrayal full benefit of that widely admitted artistry so buried under grotesque makeup and Withers enacts a police captain of the plain, hardworking, uncomic kind a showman can invite even a police captain in to see. Marjorie Reynolds, Huntly Gordon, Peter Lynn, William Royle and James Flavin are other principals, all admirably equipped for their assignments.

Directed so that every inch of film means something by resourceful William Nigh, the picture opens with the murder of a Chinese princess secretly in America to buy war planes for her brother. Two other murders occur, with suspicion fluctuating between two palpably guilty parties, before the wily Wong discloses to a gratified audience the identity of the killer.

Running time, 68 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

Kroger Ownership

CINCINNATI, July 17.—An appraisement of the $22,000,000 estate left by the late B. H. Kroger, founder of Kroger Grocery and Baking Co., revealed ownership in the Capitol Theatre building at $1,500,000. The Capitol is under lease to RKO.

'Variety Party' on NBC

"The Variety Party," starring Tommy Riggs and Betty Lou, will return to a 59-station NBC-Red network, starting Sept. 4. Quaker Oats is the sponsor. The Quaker Company's "Dick Tracy" broadcast moves to Monday night for a four-week period, beginning Aug. 7, but will move to another network position before return of the Riggs show.

Plan Healy Benefit

PROVIDENCE, July 17.—Friends and show business associates of Eddie Healy, former vaudevillain who lost his life in an apartment house fire here on June 18, are planning an Eddie Healy Memorial show at Elks Auditorium on July 31. The chairman is Thomas J. Meehan, former manager of the Albee.

Omaha RKO Sales Drive

OMAHA, July 17.—The local RKO branch, of which Russell Egner is manager, plans an appreciation sales drive, in honor of the new district manager, L. E. Goldhammer, and the newly created Prairie district, of which Omaha is a unit. The drive will start Aug. 1.

'Courageous' Philadelphia Best, $18,000

PHILADELPHIA, July 17.—"Daughters Courageous" at the Stanley clicked off $18,000.

"Goodbye Mr. Chips" held up to a strong $14,000 for its secon[illegible] Boyd week. The heat took its toll [illegible]ther grosses.

Estimated takings for the week ending July 13:

"Pygmalion" (M-G-M)
ARCADIA—(600) (25c-42c-57c) 5 days. Gross: $1,200. (Average, 7 days, $2,800)
"Goodbye, Mr. Chips" (M-G-M)
BOYD—(2,400) (32c-42c-57c) 7 days, 2nd week. Gross: $14,000. (Average, $14,000)
"Hell's Kitchen" (W. B.)
EARLE—(26c-32c-42c) 7 days. Gross: $6,000. (Average, $8,000)
"Sun Never Sets" (Univ.)
FOX—(3,000) (32c-37c-42c-57c-68c) 7 days (6 days stage). Stage: Clyde McCoy orchestra, Bob Dupont. Gross: $15,500. (Average, $16,000)
"Susannah of the Mounties" (20th Cent.)
KARLTON—(1,000) (32c-42c-57c) 7 days, 2nd run. Gross: $2,900. (Average, $4,000)
"Only Angels Have Wings" (Col.)
PALACE—(1,000) (32c-42c-57c) 7 days, 3rd run. Gross: $3,600. (Average, $4,500)
"Daughters Courageous" (W. B.)
STANLEY—(3,700) (32c-42c-57c) 7 days. Gross: $18,000. (Average, $14,000)
"Stronger Than Desire" (M-G-M)
STANTON—(1,700) (26c-32c-42c) 7 days. Gross: $4,000. (Average, $7,000)

'Chips' Washington Smash with $23,500

WASHINGTON, July 15.—"Goodbye, Mr. Chips" at Loew's Palace took $23,500, Washington's largest gross in months. "Daughters Courageous" at Warners' Earle drew $16,200.

Estimated takings for the week ending July 13:

"Stronger Than Desire" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days. Stage: The Kidoodlers. Gross: $13,-000. (Average, $16,500)
"Invitation to Happiness" (Para.)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 2nd run. Gross: $4,600. (Average, $4,500)
"Goodbye, Mr. Chips" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $23,500. (Average, $12,000)
"Career" (RKO)
RKO-KEITH'S—(1,836) (35c-55c) 5 days. Gross: $1,900. (Average, 7 days, $6,000)
"Daughters Courageous" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Lake Placid Ice Follies. Gross: $16,200. (Average, $16,000)
"Juarez" (W. B.)
WARNERS' METROPOLITAN — (1,591) (25c-40c) 7 days, 2nd week, 2nd run. Gross: $3,800. (Average, $4,000)

Legion Approves 6 Of Seven New Films

National Legion of Decency for the current week reviewed and classified seven new films, grading two as unobjectionable for general patronage, four as unobjectionable for adults and condemning one, "Mad Youth."

The other films and their classification follow. Class A-1, Unobjectionable for General Patronage—"Million Dollar Legs," "Unexpected Father;" Class A-2, Unobjectionable for Adults—"The Man in the Iron Mask," "Spell Binder," "They All Come Out," "Waterfront."

Columbia Votes Dividend

Columbia board of directors yesterday declared a quarterly dividend of 68¾ cents per share on the $2.75 convertible preferred stock of the company, payable Aug. 15 to holders of record Aug. 1.

PRICELESS QUALITIES

NEW film emulsions are indispensable to motion picture progress, but only proved reliability and uniformity make them practicable. Eastman *Plus-X*, *Super-XX*, and *Background-X* have those priceless qualities—hence the everyday use they are enjoying throughout the industry. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN

PLUS-X
for general studio use

SUPER-XX
for all difficult shots

BACKGROUND-X
for backgrounds and general exterior work

Senate Votes For Neely Bill; 3-Hour Fight

(*Continued from page* 1)

tection under the existing anti-trust laws. He added:

"We are not yet under the control of a dictator nor have our bureaus, with their tremendous power and appropriations, gone so far as to interdict free intercourse.

"There is no proof whatever that the practices condemned in the bill tend toward monopoly. If this were so, the persons to be most injured thereby would be the independent producers. They would encounter difficulty in marketing their films. Yet there are more than 100 independent producers, in addition to the Big Eight against whom the bill is aimed. There are more independent producers now than there were a few years ago."

Calls Evidence Insufficient

Holding that Congress should not legislate on block booking while the Government suit is pending, King suggested the proponents' efforts might be based on a fear that the court would not find it illegal or a desire to constrain the court to adopt the legislators' opinion.

"There is not sufficient evidence on which members of Congress can base an intelligent decision," he declared.

Like other opponents, King took the view that the price differential provisions were vague and without standards. It would require "metaphysical research and psychological investigation" for a distributor to determine upon prices which would not be considered unreasonable. "The expense of selling singly would invite bankruptcy," he said.

Doubts Bill's Constitutionality

The approval of the organization back of the bill is based on its stated purposes and in the belief that better pictures would be produced, he continued, without attempting to analyze or understand what would actually happen.

Discussing the doubtful constitutionality of the bill, King held it failed to meet the "due process" requirement that laws be sufficiently definite in their terms to enable a person to know whether he was acting in violation.

"The dividing line between what is lawful and unlawful cannot be left to conjecture," he contended.

New York Previews

"Winter Carnival"

(*Wanger-United Artists*)

As a relief from Summer temperatures, Walter Wanger offers a frosty story of college life combined with some of the elements of a newspaper yarn. The annual Winter Carnival at Dartmouth College provides a setting rich in tradition and alive with Winter sporting events, snow sculpture and co-eds. "Winter Carnival" captures the high spirit of the festivities, but the story fails to reach any high degree of dramatic intensity.

A former Carnival queen, Jill Baxter, (Ann Sheridan) finds herself pursued by reporters after a sensational divorce case. En route to Europe, she accompanies her sister Ann (Helen Parish) to the Carnival and waits at the station for the next train. Her first sweetheart, now a professor, John Weldon (Richard Carlson) discovers her presence and they renew their acquaintance but Weldon is determined not to be smitten twice.

In the meantime, Don Reynolds (Alan Baldwin) son of Tiger Reynolds (Robert Armstrong), an old newspaperman, is setting up a tabloid as the college paper. Tiger, now on the WPA, learns of Jill's presence after all other reporters have failed. He gets his old job back on the strength of this scoop and sets out on her trail.

Ann is chosen the new Queen of the Carnival and promptly falls in love with a Count (Morton Lowry). Foreseeing trouble ahead for her sister, Jill lures away the Count, and through this maneuver, convinces Prof. Weldon that she is sincere in her desire for a home. She also manages to convince Tiger to give up the story but young Don nearly gums the works.

The mood of the film is light and gay throughout. The screenplay was prepared by Lester Cole, Budd Schulberg and Maurice Rapf from an original by Schulberg. Charles F. Reisner directed.

Running time, 100 minutes.

ED GREIF

"Indianapolis Speedway"

(*Warners*)

The thrill action of the auto race tracks, from the dangerous dirt alleys of the sticks to the polished brick of the Indianapolis track rushes in and out of "Indianapolis Speedway."

Basically, and the salable entertainment element of the film, is action and speed, with plenty and to spare of both. Additionally, it is a well told dramatic story of a famous racer, who tries to keep a younger brother from the game, loses his nerve in a crackup and comes back to beat the effect of the smash. Added together, the elements make up a film of fast-paced entertainment.

There is additional selling value in the cast, headed by Pat O'Brien and Ann Sheridan, aided by John Payne, Gale Page and Frank McHugh. The film should be a natural for tieups with garages and automobile dealers.

Lloyd Bacon directed for pace and kept his film moving crisply throughout. Sig Herzig and Wally Klein wrote the screenplay from a story by Howard Hawks.

O'Brien, famous driver, saves to send his brother, Payne, through college, and refuses to marry Miss Page until he can quit racing. His brother has the race fever and refuses to be deterred, despite O'Brien's efforts. When Payne falls in love with Miss Sheridan, friend of Miss Page and cordially disliked by O'Brien, the brothers are at odds. Attempting to teach his brother a lesson on the track, O'Brien fouls McHugh's car when the latter tries to keep the two apart, and in a stirring sequence, McHugh is killed as his car goes over the wall in flames.

The incident breaks O'Brien's nerve, and it is only when his brother is hurt during the big Indianapolis race, that O'Brien beats the fear and race to win with Payne beside him.

Running time, 80 minutes.

CHARLES E. AARONSON

Bargain Days at Fair

Bargain Days, with $2.25 worth of admissions and food for only $1, have been set for the World's Fair Saturday and Sunday. Children under 14 get the same combination for 50 cents.

E-G N Plans 36 Features For Season

A new season release schedule of approximately 36 features, 12 or 18 westerns and a series of color cartoons is anticipated by Educational-Grand National.

The company will finance certain independent producers who may supply the bulk of such a program. No direct production will be undertaken by either Educational or Grand National until after the first of the year. Four or five independent production units are to be lined up to provide as much product as possible within a brief period of time. Jack Skirball, who resigned as vice-president of Grand National in charge of production recently to enter independent production, may release through the company.

Indications are that it will take another 10 days or two weeks to consummate the financing arrangements authorized by Educational and Grand National stockholders last week, and Earle W. Hammons, president of the two companies, will remain in New York for that length of time. Later, he will appoint a sales head to fill the vacancy created by the resignation of Edward A. Alperson some time ago, and a treasurer to succeed T. R. Williams, who resigned recently. Harold Saxe is temporarily filling the latter post.

Repeat Short Wave Broadcast Tonight

First in the series of motion picture industry short-wave programs was broadcast over CBS yesterday from 2:45 to 3 P.M., to Europe and Latin America.

Yesterday's broadcast was delivered in English, French, German and Italian languages. The same program will be repeated in Spanish tonight and in Portuguese on Thursday.

The schedule has been established as follows: On Mondays, Tuesdays, Wednesdays and Thursdays from 2:45 to 3 P. M., the programs will be broadcast in the European languages. Spanish-speaking countries will hear the programs from 8:15 to 8:30 P. M., and on Thursdays from 7:45 to 8 P. M. it will be beamed toward countries where Portuguese is spoken.

A similar series is to be broadcast over NBC's short-wave station.

It will be at least 10 days to two weeks before CBS obtains a reaction to the programs by mail from listeners. It is expected by CBS, however, that the film industry's series will be favorably received because foreign listeners have previously expressed keen interest in all motion picture news.

Alliance Closes Deals

Nat Sanders, general manager of Film Alliance of the United States, has closed franchise deals with Herbert Rosher Co., for the west coast; Cameo Screen Attractions, Inc., for New England, and Times Pictures, Inc., for Metropolitan New York for the pictures, "The Challenge" and "Second Bureau."



'Chips' Leads With $18,400 In Twin Cities

MINNEAPOLIS, July 17.—"Goodbye, Mr. Chips" was the pacemaker in Minneapolis, getting a splendid $11,400 at the State.

"Chips" was also the leader in St. Paul [illegible]ossing $7,000 at the Paramount. The picture was held for a second week in both spots.

Estimated takings for the week ending July 13:

Minneapolis:

"Grand Jury Secrets" (Para.)
"Charlie Chan in Reno" (20th-Fox)
ASTER—(900) (15c-25c) 7 days. Gross: $1,900. (Average, $1,500)
"Good Girls Go to Paris" (Col.)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $3,000. (Average, $4,000)
"Man of Conquest" (Rep.)
GOPHER—(990) (25c) 7 days. Gross: $3,100. (Average, $2,500)
"Career" (RKO)
"Daughters Courageous" (W. B.)
ORPHEUM—(2,900) (25c-40c) "Career," 4 days, "Daughters," 3 days. Gross: $4,000. (Average, $4,800)
"Good-bye, Mr. Chips" (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: $11,400. (Average, $4,400)
"Dark Rapture" (Univ.)
TIME—(290) (25c-40c).

St. Paul:

"Career" (RKO)
"Stronger Than Desire" (M-G-M)
ORPHEUM—(2,000) (25c-40c) "Career," 4 days, "Desire," 3 days. Gross: $3,000. (Average, $3,200)
"Good-bye, Mr. Chips" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $7,000. (Average, $4,000)
"Gracie Allen Murder Case" (Para.)
"Man of Conquest" (Rep.)
RIVIERA—(1,000) (25c) "Gracie," 4 days, "Conquest," 3 days. Gross: $1,800. (Average, $1,800)
"Rookie Cop" (RKO)
"Sweepstakes Winner" (W. B.)
"Women in the Wind" (W. B.)
"Jones Family in Hollywood" (20th-Fox)
TOWER—(1,000) (25c) Dual bills, split week. Gross: $1,600. (Average, $1,500)
"Ecstacy" (Foreign)
"American Gangbusters" (Dion)
WORLD—(400) (25c-35c) "Ecstacy," 4 days, 3rd week, "Gangbusters," 3 days. Gross: $700. (Average, $700)

'Mr. Chips' Beats Oklahoma City Heat

OKLAHOMA CITY, July 17.—The only film to do better than average was "Goodbye, Mr. Chips," with $2,600 at the Tower. The opening of the state sandlot tournament provided heavy competition for the theatres, drawing record crowds every day. The weather continued excessively warm.

Estimated takings for the week ending July 13:

"Man About Town" (Para.)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,000. (Average, $5,200)
"The Kid from Kokomo" (W. B.)
"The House of Fear" (Univ.)
LIBERTY—(1,200) (15c-20c-25c) 7 days. Gross: $3,000. (Average, $2,500)
"Susannah of the Mounties" (20th-Fox)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $2,100. (Average, $4,200)
"Invitation to Happiness" (Para.)
PLAZA — (750) (25c-35c-40c) 7 days. Gross: $800. (Average, $1,100)
"Missing Daughters" (Col.)
"Trapped in the Sky" (Col.)
STATE—(1,200) (15c-20c-25c) 7 days. Gross: $2,300. (Average, $2,500)
"Goodbye, Mr. Chips" (M-G-M)
TOWER—(1,000) (25c-35c-40c) 7 days. Gross: $2,600. (Average, $2,500)

May Reopen WPA Show

SAN FRANCISCO, July 17.—"Swing Mikado," closed at the Federal Theatre on Treasure Island, is set to reopen under private auspices at the Geary Theatre downtown.

Hollywood Previews

"Blondie Takes a Vacation"

(Columbia)

HOLLYWOOD, July 17.—Clocked for laughs at the Hollywood preview, this third in the "Blondie" series of comedies based on the Chic Young cartoon strip was scored well above the first, a shade below the second, indicative perhaps of a levelling-off at a pitch not too hard to maintain yet amply adequate for series-picture requirements.

As the title possibly suggests, the vacation on which Penny Singleton, Arthur Lake, Larry Sims and Daisy set out at the start of the picture turns into an all-work-and-no-play proposition. They have trouble on a train, find themselves sole guests of a deserted resort hotel, join forces with the despairing landlord to frustrate his conniving competitor and wind up victorious but tired of it all and eager to get back home. A fire sequence at the finish becomes melodramatic to the extent of toning down the comedy somewhat.

Best laughs are collected by diminutive Master Simms and by Daisy, the dog, which again is beneficiary of successful trick photography. Donald Meek, Donald MacBride and Danny Murmert are other names for ad copy. Karen DeWolf, Robert Chapin and Richard Flournoy wrote the story, the last-named also the screenplay. Frank R. Strayer again directed.

Running time, 68 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

"La Inmaculada"

(Atalaya-United Artists)

HOLLYWOOD, July 17.—"La Inmaculada," first in a series of Spanish pictures to be made by Fortunio Bonanova and Maury M. Cohen for United Artist release, is tailor made for the Spanish language market. Starring Bonanova Andrea Palma, the picture, though drawn out, is the epitome of films aimed at the Spanish market.

Bonanova and Cohen, who produced the picture, did the ultimate in setting the cast. In addition to Miss Palma and Bonanova, who is in extremely good voice, the producers had Milissa Sierra, Tana, Luis Diaz Flores, Daniel F. Rea, Julia Montoya, Felipe Turich, Raquel Turich, Carlos Villarias. The script by Paul Perez is definitely aligned with the attributes found popular in Spanish markets.

"La Inmaculada" presents the tragedy and the life of an ordinary individual, a woman, who attempts to sacrifice all. This is the story of Consuelo, a country girl who comes to Mexico City to find employment and meets Don Rene, as played by Fortunio Bonanova, a playboy and wastrel who falls in love with her (Andrea Palma). He offers to make her his mistress and, refused, marries her. They are happy for a short while when his old mistress Maria Louise, played by Tana, comes back into his life and leads him on a merry chase. He spends all his money on her, forgetting his wife.

Don Rene then goes broke, falls fatally ill, and is brought home to Consuelo, who has to work to support him and their child. Consuelo falls in love but refuses to marry, because she cannot desert her husband.

Luis marries another woman and leaves Consuelo to go home, only to find her husband dead.

Running time, 95 minutes. "A."* VANCE KING

*"A" denotes adult classification.

'Daughters' Takes $13,000, Cleveland

CLEVELAND, July 17.—"Daughters Courageous" led here with $13,000 at the Warner Hippodrome, in spite of continued heat and competition from night baseball, racing and concerts.

Estimated takings for the week ending July 14:

"Good Girls Go to Paris" (Col.)
ALLEN—(3,000) (30c-35c-42c) 7 days, 2nd week. Gross: $4,000. (Average, $4,000)
"Daughters Courageous" (W. B.)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: $13,000. (Average, $10,000)
"Career" (RKO) 4 Days
"Naughty But Nice" (W. B.) 3 Days
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $4,000. (Average, $8,000)
"Man About Town" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $12,000. (Average, $10,000)
"Tarzan Finds a Son" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. (Gross: $3,500. (Average, $5,000)

'Town' with $10,400 Leads Kansas City

KANSAS CITY, July 17.—Two good bills gave first runs their best grosses in several weeks, in spite of 100 degree temperatures. "Man About Town" did $10,400 at the Newman. "Goodbye, Mr. Chips" took $14,300 at the Midland.

Estimated takings for the week ending July 11-14:

"Career" (RKO)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $2,800. (Average, $3,000)

"Goodbye, Mr. Chips" (M-G-M)
"Parents on Trial" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $14,300. (Average, $11,500)

"Man About Town" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $10,400. (Average, $7,000)

"Career" (RKO)
UPTOWN — (2,000) (25c-40c) 7 days. Gross: $3,100. (Average, $3,500)

Shaw's Band Pulls $21,500, Leads Frisco

SAN FRANCISCO, July 17.—Artie Shaw's band on the stage of the Golden Gate gave the house $21,500, with "The Girl and the Gambler" as the screen attraction. "Million Dollar Legs" drew $14,000 at the Warfield.

Estimated takings for the week ending July 10-14:

"The Girl and the Gambler" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Artie Shaw Band. Gross: $21,500. (Average, $15,000)
"On Borrowed Time" (M-G-M)
"Mr. Moto Takes a Vacation" (20th-Fox)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: $11,000. (Average, $11,500)
"Blind Alley" (Col.)
"The Forgotten Woman" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days. Gross: $7,000. (Average, $8,000)
"Good-Bye Mr. Chips" (M-G-M)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 3rd week. Gross: $6,800. (Average, $6,000)
"Man About Town" (Para.)
"Grand Jury Secrets" (Para.)
FOX—(5,000) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $13,500. (Average, $16,000)
"Million Dollar Legs" (Para.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: $14,000. (Average, $12,000)
"A Star Is Born" (U. A.)
"Hurricane" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days. Gross: $6,500. (Average, $8,000)
"Champs Elysees" (Tri-National)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $1,200. (Average, $1,000)
"Alexander Nevsky" (Amkino)
LARKIN—(390) (15c-35c-40c) 7 days, 2nd week. Gross: $800. (Average, $1,000)

New Haven Gives 'Chips' Big $9,000

NEW HAVEN, July 17.—"Goodbye, Mr. Chips," dualed with "Parents on Trial," grossed $9,000 at the Loew-Poli. "Man About Town" and "Bulldog Drummond's Bride" grossed $5,300 at the Paramount.

Estimated takings for the week ending July 15:

"Maisie" (M-G-M)
"6,000 Enemies" M-G-M)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $2,000. (Average, $2,700)
"Good-bye, Mr. Chips" (M-G-M)
"Parents on Trial" (Col.)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $9,000. (Average, $8,000)
"Man About Town" (Para.)
"Bulldog Drummond's Bride" (Para.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: $5,300. (Average, $4,000)
"Hell's Kitchen" (W. B.)
"The Sun Never Sets" (Univ.)
ROGER SHERMAN—(2,200) (35c-50c) 6 days. Gross: $3,000. (Average, $4,700)

'Tarzan' Scores $11,500 in Detroit

DETROIT, July 17.—The Michigan drew $11,500 with "Tarzan Finds a Son" and "Stronger than Desire," while the Fox took $11,000 with "Five Came Back" and "The Gorilla."

Estimated takings for week ending July 14:

"Good Girls Go to Paris" (Col.)
"Clouds Over Europe" (U. A.)
ADAMS—(1,700) (15c-40c) 7 days, 2nd run. Gross: $4,000. (Average, $5,000)
"Five Came Back" (RKO)
"The Gorilla" (20th-Fox)
FOX—(5,000) (20c-55c) 7 days. Gross: $11,000. (Average, $10,000)
"Tarzan Finds a Son" (M-G-M)
"Stronger Than Desire" (M-G-M)
MICHIGAN—(4,000) (20c-65c) 7 days. Gross: $11,500. (Average, $10,000)
"Man About Town" (Para.)
"Grand Jury Secrets" (Para.)
PALMS—(3,000) (15c-50c) 7 days. Gross: $4,300. (Average, $5,000)

Hollywood In Brief

HOLLYWOOD, July 17.—Livelier reading than THOMAS WOOD'S article about LOUELLA PARSONS in this week's *Saturday Evening Post* would be Mr. Wood's, or the *Post's*, mail from here on the same subject. Every time the story is mentioned, which is every time two people meet, comes in the wake of hearty laughter "Too bad he didn't tell the one about, etc." For Hollywood is fuller of stories about LA PARSONS than any other thing, including the climate, and now that someone with access to reputable print has indicated a disposition to defy her lightning he may expect to be flooded with gratuitous material. LA PARSONS, incidentally, is reported to have decided to ignore the whole matter!!!

Paramount feels pretty good about pre-preview reactions to "What a Life," good enough to go ahead with planning of two more pictures based on the experiences of the Aldrich Family, with JACKIE COOPER playing the entroubled young man of the household. . . . The same studio, which has been showing its confidence in the *status quo* consistently of late, is to give LYNNE OVERMAN, the actors' favorite actor, a break in a comedy called "Coming 'Round the Mountain."

Directors—CRANE WILBUR, Warner Brothers' triple-threat genius, commences at once on direction of "The Monroe Doctrine," another of those color shorts based on Americanism. . . . Universal has given CHARLES LAMONT a long term contract; he directed "Unexpected Father" in record time. . . . Paramount has assigned JAMES HOGAN to direction of a new MARTHA RAYE enterprise currently known as "The Farmer's Daughter."

Title Tribulations—Warner Brothers have changed 'Torchy's Invitation to a Murder" to "Torchy Goes to Town" and "Girls Without Names" to "Guilty Women."

Contracts—M-G-M has given ILONA MASSEY and RITA JOHNSON new contracts, Paramount has optioned JOYCE MATHEWS, AUDREY MAYNARD and WILLIAM FRAWLEY, while Warners have brought in a pair of newcomers, ROBERT ANDERSON and GEORGE WILCOX.

Players—Twentieth Century-Fox is co-starring JOAN DAVIS with the Jones Family in "The Little Theatre." . . . GENEVIEVE TOBIN is back in town to work in "Our Neighbors the Carters" for Paramount. . . . JEAN PARKER will appear opposite PHIL REGAN in Republic's ROSCOE TURNER picture, "Flight at Midnight.". . . Addition of LILIAN BOND and DONALD MEEK to the cast of "The Housekeeper's Daughter" winds up the casting of that HAL ROACH project. . . . MATTHEW BOULTON of London stage and screen has joined the cast of Paramount's "Diamonds are Dangerous." . . . DONALD CRISP is off for a month's vacation in Europe prior to starting a top role in Warner Brothers' "Four Wives," in which the "Four Daughters"-"Daughters Courageous" group will appear.

BANNER RADIO LINES

By JACK BANNER

SIGNS OF THE TIMES . . . . In all long-term radio contracts set by J. Walter Thompson agency, there now appears the following clause:

"In the event the United States declares war the agency may exercise a 30-day cancellation privilege at any time."

Young & Rubicam is also writing a similar clause into all of its contracts, it is understood. Heretofore, minimum air time for all commercial programs has been in 13-week cycles.

▼

CBS STUDIO ATTENDANCE . . . It is Radio City and its studio and television tours that usually command type attention in any reference to radio attendances, but now CBS provides some figures to prove that since the start of the Fair, CBS is doing a whale of an Annie Oakley business.

For May and June—the two months since the Fair opened—a new high for both months has been set, with the admissions 46,211 in advance of the same period last year. Attendance in May was 107,924, an increase of 16,213 over 1938. In June 104,065 persons attended CBS radio programs, 29,998 more than the preceding year. Total attendance for the two months was 211,989.

As to NBC, the Fair naturally has been a tremendous stimulant to the tour business, to which admissions are charged. The daily average now is approximately 3,500, compared to a daily average last year of about 2,000.

▼

CANTOR RIBBED . . . Eddie Cantor was guest of honor at a party in St. Louis the other night, and KMOX engineers and announcers put on a show that mystified Eddie and ribbed him plenty. The KMOX gang had recorded the last two minutes of Eddie's final Camel program, and then had dubbed in a 15-minute parody on the show. The equipment and loud speaker were concealed so that Cantor and the other guests did not know the "source" of the broadcast.

Eddie's role was enacted by Larry Kent; "Guffey" by Lambert Kaiman; Bert Parks and the Mad Russian by John Jacobs and Don Phillips, KMOX announcers. The script which was written by Gerald Holland, KMOX script writer, told a behind-the-scenes story of Cantor and his entire cast. Eddie was revealed as very exacting, egotistical and a tight-fisted employer who surrounded himself with "yes-men." Guffey was portrayed as the chief "yes-man," and Bert Parks was dating Eddie's daughters in spite of vitriolic protestations.

▼

A NENT AFRA-AFL BREAK . . . According to Emily Holt, the Chicago chapter of the radio union is not supporting the Newspaper Guild strike at the two Hearst papers in that city. AFRA, it was recorded here last Friday, was expelled from the Chicago A.F.L. because it purportedly was supporting the striking Guildsmen.

The trouble arose, Mrs. Holt states, when two members of the Chicago chapter gave support to a Guild affair. The A.F.L. requested that disciplinary action be taken against the two members, and when AFRA refused to do so on the grounds that their support was given as individuals and not as members of the radio union, the A.F.L. expelled the entire chapter.

▼

WELLES IN PICTURES . . . Following protracted negotiations, Orson Welles has been signed by RKO for a film. As he does in the Mercury plays, and on the air in his CBS radio series, Welles will not only act in the production, but will also serve as author and director.

▼

COUGHLIN'S ANSWER . . . The Emerson Radio and Phonograph Co. has offered Father Coughlin a portion of Elliot Roosevelt's program on Mutual next Saturday to enable the famous radio priest to answer a stinging rebuke administered by Roosevelt last Saturday.

WCKY Chiefs Test 50,000-Watt Power

CINCINNATI, July 17. — Engineers under supervision of Charles Topmiller, WCKY chief engineer, and Joe Chambers, of McNary and Chambers, Washington consulting engineers, are testing the new 50,000-watt transmitter of the L. B. Wilson station, which shortly will be put into operation. The station boosted its power from 5,000 to 10,000 watts about two years ago.

NBC Leases Vanderbilt

The National Broadcasting Company will take over the Vanderbilt theatre, legitimate house, on July 24, on a 13-weeks lease with an option for renewal. NBC, which has been using the Ambassador since July 10, will install the Fred Waring program in the Vanderbilt.

Texas Station 116th To Join CBS Chain

CBS adds its 116th station with the ajoining today of KWFT, Witchita Falls, Texas. The new station will become a member of the CBS southwest group.

The station operates on 620 kilowatts, with a night power of 250 watts, and a day power of 1,000 watts. Base rate for the station will be $125 per evening hour.

S. D. Harris Rites

Simon D. Harris, 63 years old, father of Radie Harris, Mutual network film commentator, will be buried today. Funeral services are being held this morning at Riverside Memorial Chapel. Death occurred Sunday following a brief illness. Surviving are the widow, Lottie; four children, Mrs. Max Planer, Radie, Howard and Patricia, and the deceased's mother. Mrs. Mable Harris.

AFA in Court As New Guild Enrolls 1,000

(*Continued from page* 1)

which dominated the board, that thousands of members were disenfranchised, and that the issues were decided before the answers were interposed.

Restraint against interference with employers who have unexpired A.F.A. contracts and solicitation of A.F.A. membership will be sought.

Screen Actors Guild and American Federation of Radio Artists yesterday voted to instruct members who hold A.F.A. cards to register with A.G.V.A. Equity is expected to take similar action today. Charters to local groups have been granted in New York, Los Angeles, San Francisco and Chicago.

I. B. Kornblum, representative of Equity, A.F.R.A. and the Theatre Authority, has been placed in charge of the Los Angeles office together with Aubrey Blair. Vic Connors, A.F.R.A. Chicago representative, will act in Chicago. They will serve temporarily and without compensation.

Eddie Cantor, newly-named head of A.G.V.A.; Belle Baker, member of the A.F.A. council, and Edgar Bergen are aiding the Los Angeles A.G.V.A. membership drive. First meeting of Los Angeles branch will take place today and at San Francisco on Friday. Groups in Portland, Ore., and Seattle are expected to follow shortly.

Wander Co. Renews 'Elm Street' Program

CHICAGO, July 17.—"Carters of Elm Street," five-a-week script broadcast for Ovaltine, has been renewed by the Wander Co. Stations include WEAF, KYW, WMAQ, KOA, KPO and KFI.

"The Trouble With Marriage," authored by Aline Ballard, is the new five-a-week script drama for Procter & Gamble's Oxydol, to be launched July 31. Script replaces Blue airing of "Houseboat Hannah," but has no effect on the Red network repeat for this show. Stations include WLS, WOOD, WXYZ and the Michigan network. Blackett-Sample-Hummert is the agency.

Music Hall Series

Kraft-Phenix Co. has placed an order with NBC through its agency J. Walter Thompson, for a year's renewal of the "Music Hall" series, which features Bing Crosby and Bob Burns. Renewal is effective July 27. The series is presented Thursdays from 10 to 11 P.M.

Report Bridges Trial via Radio

San Francisco, July 17.—In order to broadcast a summary of the current deportation trial of Harry Bridges, west coast CIO chieftain, the Bridges Defense Committee has purchased nightly quarter-hours on KYA here; KEEN, Seattle; KWJJ, Portland, and KFVD, Los Angeles.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 12 NEW YORK, WEDNESDAY, JULY 19, 1939 TEN CENTS

DO NOT REMOVE

MR. WILL H. HAYS,
WALDORF ASTORIA HOTEL,
PARK AVE. & 50TH ST.,
NEW YORK,
N. Y.

Experts Doubt Early Hearing For Trust Suit

Middle of Next January Called Earliest Date

Despite efforts by the Department of Justice to bring the industry anti-trust suit to trial at an early date, New York legal authorities believe it is physically impossible to start trial of the action this year. Earliest date on which the case may be brought to trial, in the opinion of disinterested legalites, is about mid-January, 1940.

This contrasts with recent Department of Justice intimations that an October trial date would be sought.

Experienced Federal court counsel point out that even if the Department of Justice dispensed with examinations of leading defendants before trial, which is regarded as highly unlikely in a case of as much import as this one, an October trial date would be clearly out of the question.

First of all, the petitions of United Artists and Columbia for further particulars must be decided by the Federal court. If the petitions are granted promptly, several weeks will elapse before the particulars are supplied and the answers of the two companies are filed. This would bring the case well up toward September. Next, the Government would have to move for a preferential position on the trial

(Continued on page 7)

Brandt Gives Facts; Cole Follows Today

WASHINGTON, July 18.—Officials of the Department of Commerce today received the views of independent exhibitors affiliated with the I.T.O.A. as to the effects on them of trade policies maintained by the distributors.

The meeting with Harry Brandt, head of the association, and Lionel Toll, was the first of three scheduled this week. Tomorrow, Col. H. A. Cole, president of National Allied, will visit the Department in the morning and on Thursday, Ed. Kuykendall, chief executive of the M.P.T.O.A., who met with officials last month, is due for a return visit, bringing with him statistical matter which he had promised to collect.

Covered at the meeting today, and to be covered again tomorrow, were the same problems which have occupied the attention of the department

(Continued on page 2)

SET DATE FOR CODE, KUYKENDALL URGES

Efforts to obtain a definite commitment on the effective date of the industry trade practice plan will be made today by Ed Kuykendall, M.P.T.O.A. president, during a conference on the code with William F. Rodgers, chairman of the distributors' negotiating committee.

"The plan should have been in effect long ago and the more the distributors delay, the more they lose exhibitor confidence," Kuykendall said. "I would like to determine when the code can be placed in effect, if at all, and if it can't be done, let's say so and quit."

In the course of his meeting with Rodgers, Kuykendall will report on the reaction to the amended code of the various M.P.T.O.A. regional affiliates with whom he has visited during recent weeks. He will also suggest several additional changes which the M.P.T.O.A. thinks necessary and "will contend for."

Rodgers has called another meeting of sales managers and company attorneys for Friday morning to consider further the proposed changes in the code's arbitration provisions.

Kuykendall said he did not believe exhibitor signatures to the code were either necessary or important. "The thing that matters is to complete a plan and put it into work," he said

Kuykendall leaves for Washington tonight to meet with Department of Commerce officials there on Thursday. He will be accompanied by an M. P. T. O. A. conference committee consisting of Arthur Lockwood of Middletown, Conn.; O. C. Lam of Rome, Ga.; Walter Vincent and William Crockett of New York; Lewen Pizor of Philadelphia; Stanley Sumner of Cambridge, Mass., and Sidney B. Lust of Washington.

Concessions In California

LOS ANGELES, July 18.—Southern California exhibitors have won important concessions in a draft of the trade practice agreement by obtaining privileges of new conditions in code to deal pirmarily with peculiarities of the local situation, it was learned authoritatively today.

Robert H. Poole, manager of I.T.O. of Southern California, upon return from vacation next week, will draw up proposed provisions dealing with commercialized previews and first run moveovers, two points of dissension between distributors and independents here.

The I.T.O. gained concessions for independent exhibitors, being one of the regional unaffiliated groups which took part in lengthy conferences. Consummation of added provisos for the local situation will take place, it is expected, within a month, possibly with the visit here of William F. Rodgers.

Commercialized previews—practice of advertising press showings and pictures already shown for newspapermen—has been condemned by independent exhibitors for some time. The practice is particularly widespread at holiday times.

On some preview nights three pictures are shown at theatres. About July 4 approximately 20 "previews" consisting of pictures not yet released but reviewed by the press, were shown in local theatres.

Neely Bill to Die in House

Washington, July 18.—The Neely Bill, passed yesterday by the Senate, today reached the House of Representatives and was referred to the committee on interstate and foreign commerce. House leaders indicated that barring unforeseen developments, the bill would make no further progress this session.

If brought up in the house next year, it was said, an effort will be made to expand the scope of the measure to divorce exhibition from production, but there is considerable doubt whether congressional leaders would stand for such legislation, which would be a precedent for the introduction of similar divorce legislation for other industries in which producers also engage in retail trade.

RKO Creditors Lose as Court Gives Plan OK

Complete Reorganization Predicted by Fall

Completion of the RKO reorganization by "early Fall" was predicted by N. C. Rickaby, attorney for proponents of the reorganization plan, yesterday as the U. S. Circuit Court of Appeals handed down long awaited decisions rejecting the appeals of dissenting creditors attacking the fairness of the plan.

In a 14-page opinion by Circuit Judge Robert P. Patterson the reorganization plan was affirmed in all respects, as were the decisions of Special Master George W. Alger and Federal Judge William Bondy approving and confirming the plan.

Reorganization Speeded

Rickaby said that efforts to complete the reorganization would be speeded immediately despite the announced intention of Cassel & Co., one of those appealing on the fairness of the plan, to seek a writ of certiorari from the U. S. Supreme Court on the grounds that the plan is unconstitutional.

Other RKO creditors opposing consummation of the plan could not be reached for questioning yesterday, but it is believed that one or more of them may also attempt appeals to the U. S. Supreme Court.

Rickaby said that the certificate of incorporation of the new RKO company would be presented to Federal Judge William Bondy at the earliest possible moment and offered the opinion that the new company might be functioning by "early Fall," possibly during late September or October.

Four Appeals Considered

The Circuit Court found the Cassel & Co. appeal the most impressive of the four which it had under consideration. Other appeals were brought by Ernest W. Stirn, a holder of 1,234 shares of old RKO Class A stock, and Copia Realty and Fabian Operating Corp., the later two being contingent creditors on the basis of theatre leases with RKO subsidiaries which were guaranteed by the parent company.

Cassel contended the reorganization plan is unfair and inequitable to RKO debenture holders in that it places them in an inferior position by offering them only preferred stock of the new company for their secured debentures of the old company. The court characterized this as a "forceful argument," but pointed out that in the

(Continued on page 5)

Hotels Slash Rates to Aid World's Fair

Drastic reductions in rates were announced yesterday by 80 New York hotels in an attempt to bring more World's Fair visitors to the city.

The rate reductions range from 10 to 30 per cent. The New Yorker, Paramount and Pennsylvania hotels are among those which slashed room prices.

Another proposal to help correct the weak attendance at the Fair is the decision of officials to have two bargain price days at the Fair on Saturday and Sunday. For $1, persons will be privileged to enter the gates, see five attractions in the Amusement section and have a 20-cent lunch. If these bargain days prove popular, it is planned to continue having them on week-ends.

Fair Honors Doug Jr.

Douglas Fairbanks Jr. will be honored today at the Fair with a program of entertainment, receptions and personal appearances. He will be accompanied by his wife, the former Mary Lee Epling Hartford.

The film industry's film, "Land of Liberty," will be shown three instead of two times daily in the theatre of the Federal building at the Fair. The film contains 1,000 sequences from 125 feature pictures. Starting times will be 2, 4:15, and 6:30 p.m.

Wait Horner Action On Illinois Film Bill

CHICAGO, July 18.—Chicago exhibitors continue to wait anxiously for Governor Horner's action on the bill limiting film shows to 2 hours and 15 minutes. So far there is no indication whether Horner will veto the bill.

Many Chicago exhibitors believe that if the bill is signed the independents' suit in Federal court against Balaban & Katz and the majors will be dropped as the bill would halt double features. They furthermore believe that the government suit now pending will take care of anti-trust and monopoly charges.

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NEW YORK TO THE COAST
3 Flights Daily
7.10 A.M. 5.10 P.M. 10.10 P.M.
Call your travel agent or HAvemeyer 6-5000. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center at 18 W. 49th St.

AMERICAN AIRLINES Inc.

Purely Personal

PETER COLLI, Warner supervisor for Cuba, Panama, Mexico, Peru and Central America, returns to Havana tomorrow following a three-week stay here. F. G. PLANAS, Puerto Rico manager, who was in town for home office conferences, has returned to his post.

•

HALSEY RAINES of the M-G-M home office publicity department is scheduled to leave for Pittsburgh today on the lion cub contest staged in connection with the Lions International convention there. HERB MORGAN will join him there, and the two expect to return on Friday.

•

P. T. DANA, midwestern district manager for Universal, is at the home office for conferences with W. A. SCULLY, general sales manager, and W. J. HEINEMAN, western sales manager.

•

GEORGE RAFT arrives in New York from the coast this morning for the premiere Friday at the Strand of "Each Dawn I Die," Warner film in which he is co-starred.

•

WILLIAM SCULLY, HERBERT YATES, JOSEPH MOSKOWITZ, WALTER READE, JR., WILLIAM FITELSON, SAM SHAIN, MITCHELL RAWSON, BEN WASHER, LEONARD GAYNOR at BOB GOLDSTEIN'S Tavern for lunch yesterday.

•

LEO ROSEN, manager of Warners' Troy, in Troy, N. Y., is vacationing on Cape Cod, where JULES CURLEY, advertising manager for Warners' Albany district, is staying with MRS. CURLEY.

•

F. J. A. MCCARTHY, eastern sales manager for Universal, left yesterday for Atlanta and New Orleans on business. He is expected to return on Monday.

•

RAY BLANK, son of A. H. BLANK, is in New York with his father and RALPH BRANTON to discuss new season film deals and to visit the World's Fair.

•

ARTHUR M. FRUDENFELD, division manager for RKO Midwest in Cincinnati, has returned with MRS. FRUDENFELD from a vacation on the coast.

•

HERMAN G. WEINBERG has been signed by Transatlantic Films, Inc., to prepare the English titles for "Conflict," French film.

•

SID HOLLAND, city manager in Elkhart, Ind., for the Indiana-Illinois Theatres, is in town on his annual summer visit.

•

JOSEPH BERNHARD, general manager of Warner Theatres, returned to New York yesterday from the coast.

•

EDWARD COHEN, motion picture editor of the Miami *Daily News*, is in New York for a few weeks.

•

MANNY REINER, exploitation director for Monogram, arrived yesterday after a three-week vacation in Canada.

•

DONALD CRISP, Warner player, sails on the *President Roosevelt* today for a vacation abroad.

•

CHICK EVANS, manager of Loew's State in St. Louis, is in town for a short stay.

MICK HYAMS, executive of the Gaumont British theatre circuit, sails today on the *Champlain* from England, and is due to arrive in New York on July 26. He is seeking players to participate in the October charity benefit show which will be attended by King George VI and Queen Elizabeth.

•

AL BURKS, M-G-M exploiteer, stationed at Charlotte, N. C., stricken here while on vacation, was successfully operated on at Mt. Sinai Hospital on Friday for gallstones and appendicitis. He is reported doing well.

•

GENE AUTRY is due in town Friday to take part in Gene Autry Day at the World's Fair on Saturday. He leaves with H. J. YATES for England on July 25.

Lou Pollock Going To Coast on Friday

Lou Pollock, Universal eastern advertising and publicity manager, will leave for the Coast Friday to confer with studio executives on campaigns on new product and to see recently completed productions.

Pollock will be at the studio about two weeks and will confer while there with Nate J. Blumberg, Universal president, who is making his summer headquarters at the studio, and with Matthew J. Fox, vice-president, and John Joseph, advertising and publicity director.

Hearing Upon Mass. TMAT Case Today

BOSTON, July 18.—Massachusetts Labor Relations Commission will hold a hearing Wednesday to determine validity of elections last April in which Theatrical Managers, Agents and Treasurers Union failed to obtain a majority of employes of Western Massachusetts Theatres, Inc., a Paramount affiliate (Nathan and Sam Goldstein).

Both the circuit and the union charge that ineligible employes voted. Charges against the employer of unfair labor practices prior to the election will also be heard.

Employ Talent Searches

SCRANTON, Pa., July 18.—Comerford Theatres, Inc., have embarked upon "talent searches" to offset the summer competition of theatres in the Pocono Mountains, night Eastern League baseball and the like. The circuit has closed no theatres for the summer.

Morris Sails July 28

Sam E. Morris, foreign sales chief for Warners, will sail for South America July 28 to conduct sales conventions in Rio de Janeiro and Buenos Aires and map out campaigns on company product with distribution representatives.

Operate on Heidt

Horace Heidt, the band leader, was rushed to Doctors' Hospital Monday night following his radio broadcast for an emergency appendicitis operation. The hospital reports he is resting comfortably.

AFA Accuses Cantor, Head Of New Guild

American Federation of Actors will revise its suit against Associated Actors and Artistes of America, the parent body, and the newly-formed American Guild of Variety Artists today to include allegations concerning Eddie Cantor, who has been designated president of A.G.V.A.

Details of the complaint will be made known this morning when suit is due to be filed in the N. Y. Supreme Court. Motion for an injunction will be delayed until tomorrow, according to Abraham J. Halprin, A.F.A. attorney.

Yesterday, Actors Equity and Chorus Equity joined Screen Actors Guild and American Federation of Radio Artists in instructing their membership to join A.G.V.A. if members are working in that jurisdiction. *AFA Reporter*, official organ of A.F.A., made public a letter written by Ralph Whitehead, executive secretary, to employers holding A.F.A. contracts.

Whitehead declared that under the "closed shop contracts" employers were bound to discharge performers who joined A.G.V.A. and hire A.F.A. members instead. He advised employers that failure to do so would involve them in litigation, and asked them to instruct performers of the terms of the contract.

The A.F.A. council yesterday voted to formally withdraw from the Theatre Authority, and instructed its members to refrain from participating in any benefits having the Authority's sanction.

Brandt Gives Facts; Cole Follows Today

(*Continued from page* 1)

from the beginning—block booking and its many ramifications, cancellations, unfair competition, etc.

Following the meeting, neither Brandt nor Department officials had anything to say other than that a very satisfactory conversation was had. Department officials indicated, however, that they were getting ideas on some points that did not coincide with what they heard from the distributors when they were in Washington in June.

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"Denver tops all previous Hardys! First 4 days beat Pygmalion, 'Boys Town' and biggest hits!"

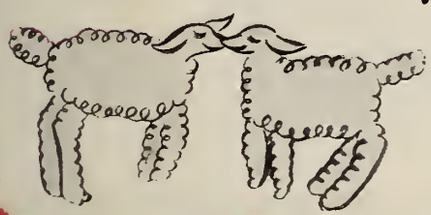
"Playing day and date in Los Angeles at State and Chinese it's topping the Hardy parade and all Big Ones!"





"Hot weather doesn't mean a thing in Portland! And Capitol, N.Y., biggest in months!"

"Detroit beats the heat with biggest biz of entire season. New Hardy hit is best of the whole series!"





"ANDY HARDY GETS SPRING FEVER" WOW!





with Lewis Stone, Mickey Rooney, Cecilia Parker, Fay Holden · Screen Play by Kay Van Riper · Directed by W. S. Van Dyke II An M-G-M Picture

It's just ONE of M-G-M's multi-million-dollar Summer Festival of Hits!

NEXT PAGE, PLEASE!

(continued from preceding page)

NO MORE WRINKLES!



Leo's hot-weather parade of hits is the talk of the Industry!

ISN'T IT WONDERFUL!

M-G-M's Summer releases electrify every Film Row! Grateful showmen say "M-G-M's ready when a feller needs a friend!" Here are a few of the Summer Big Ones! It's all M-G-M as usual!

"ANDY HARDY GETS SPRING FEVER"
The Lucky Seventh Hardy Hit! A Summer life-saver!

"GOODBYE MR. CHIPS"
National Release of the Extended-Run Record Holder!

"THESE GLAMOUR GIRLS"
Lew Ayres, Lana Turner, Anita Louise, etc. Youth and beauty in sure-fire hit!

ROBERT TAYLOR
HEDY LAMARR in
"LADY OF THE TROPICS"
Call out the cops!

And what company but M-G-M would give you a multi-million-dollar show in August like this Technicolor sensation!

"THE WIZARD OF OZ"

Watch for details of the Giant Ad Campaign in national magazines synchronized with simultaneous release in hundreds of theatres!

THE FRIENDLY COMPANY all year around!

Newsreel Parade

Unsuccessful attempt to raise Squalus, *Queen Mary at a garden party and labor troubles here play an important part in the new issues. The reels and their contents follow:*

MOVIETONE NEWS, No. 89—Attempt to raise *Squalus*. British-Japanese situation in China. Forest fire in South Dakota. Disposal old cars in Michigan. Bull fighting in Spain. Rodeo in California. Britain's Princesses at agricultural show. King of Iraq plays golf. Queen Mother at garden party. King Leopold at air meet. Lew Lehr. Golf match. Fish fight in swimming pool.

NEWS OF THE DAY, No. 287—Fail to raise sunken subamrine. Japs blockade British concessions in China. Rodeo. Queen Mary is hostess at children's party. Screen comedians play baseball. Golf championship at Long Island. Wild West rodeo.

PARAMOUNT NEWS, No. 100 — WPA strike situation in New York. Rioting in Minneapolis. New icebreaker for Coast Guard. King George inspects "beef eaters" parade. Mine blast in Kentucky. Britain's stage fish fight in pool. News reporters win headliners's award. Picard wins golf match. Screen players in charity baseball game.

RKO PATHE NEWS, No. 104—Newsmen receive awards. Labor disorder in Ohio. Film stars play benefit game. Harlan miners in riot. Queen Mary at garden party. C.I.O. meet in Chicago. Picard wins P.G.A. crown.

UNIVERSAL NEWSREEL, No. 789—Fail to raise *Squalus*. WPA strike in Minneapolis. Coal mine disaster. Emperor of French Indo-China pilots plane. Queen Mother at garden party. Shaving contest. Children's fashion show in New York. Golf match. Rodeo.

Montreal Grosses Suffer Sharp Slump

MONTREAL, July 18.—"Man About Town" topped grosses here with $6,800 at the Palace. The weather was cool.

Estimated takings for the week ending July 14:

"Five Came Back" (RKO)
"The Girl from Mexico" (RKO)
CAPITOL — (2,547) (25c-40c-55c-65c). Gross: $5,000. (Average, $8,000)
"Clouds Over Europe" (Col.)
LOEW'S — (2,800) (30c-40c-60c). Gross: $5,700. (Average, $8,000)
"I Was a Captive of Nazi Germany" (Colonial)
"Mr. Moto's Last Warning" (20th-Fox)
ORPHEUM—(919) (25c-35c-50c). Gross: $1,800, 2nd week. (Average, $5,000)
"Man About Town" (Para.)
PALACE—(2,600) (25c-40c-55c-65c). Gross: $6,800. (Average, $11,000)
"Maisie" (M-G-M)
"King of Chinatown" (Para.)
PRINCESS — (2,272) (25c-35c-50c-65c). Gross: $3,000. (Average, $6,500)

'Tarzan' at $8,500 Indianapolis Lead

INDIANAPOLIS, July 18. — "Tarzan Finds a Son" and "Missing Daughters" did well at Loew's, with $8,500.

Estimated takings for the week ending July 14:

"Man About Town" (Para.)
"Undercover Doctor" (Para.)
APOLLO—(1,100) (25c-40c) 7 days, 2nd week. Gross: $4,400. (Average, $2,500)
"The Mikado" (Univ.)
"The Sun Never Sets" (Univ.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $6,000. (Average, $5,500)
"Tarzan Finds a Son" (M-G-M)
"Missing Daughters" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $8,500. (Average, $7,000)

'Carnival' to Music Hall

"Winter Carnival," new Walter Wanger-United Artists release, has been booked by the Music Hall to open July 27, immediately following the run of "The Man in the Iron Mask."

Insider's Outlook

By SAM SHAIN

FRIENDS of Percy Furber are delighted at his astounding vitality. Stricken on the golf links, he was taken to the Norwalk hospital and twenty-four hours later he insisted he was all right and went home. He was hardly home twenty-four hours when he got out of bed and is now up and around and will be back at his desk soon.

NEW YORK friends are going to Mt. Kisco these days to see Eddie Dowling in "Our Town."

STANTON GRIFFIS will be going to Europe soon. He has chartered out his yacht, the *S.S. Northwind* for the summer.

ABOARD the *S. S. Caroline* Sunday at the World's Fair dock with Mr. and Mrs. Leo Spitz and Herman Wobber at lunch. After lunch, seeing the Fair, with dinner at the French Pavilion, where we saw Jack McKeon, Bob Ryan of Chicago, Mr. and Mrs. Hal Horne, Mrs. Kay Kamen, Henry Herzbrun, and Frank C. Walker and his son, Tom. It was a delightful day.

Leo Spitz's yacht is one of the finest afloat, and his friends will be glad to hear that he is fully recovered from his recent illness. The Spitzes probably will stay in New York for several weeks.

GUMMO MARX, who is now in California, used to be a regular patron at Sardi's, where he would sit with the Cheese Club boys or with Sidney Phillips of M-G-M. If you've never heard Gummo's description of Hollywood places and things, perhaps this will give you a laugh. He was in Hollywood three days when he wrote:

"Being in a hurry for lunch, I stopped at a nutberger place. A nutberger consists of a loaf of bread cut in two, inside of which is placed hamburger made with nuts, tomato, lettuce, picallili, cole slaw, bacon, melted cheese, and a few other odds and ends. It took the combined efforts of two men to carry my sandwich to the table. A bag is handed you with the sandwich which you use to prevent the insides from falling out. There are only two people who could possibly get their mouths over part of this sandwich. They are Joe E. Brown and Martha Raye, and I believe even they would have difficulty in so doing."

OVER the New York to Hollywood telephone, Nate Blumberg tells us he's feeling fine and expects to be back in New York in about three weeks. Universal has made conspicuous progress under Blumberg's direction. When he joined Universal it was in the red. Now it will show something like $1,000,000 net this year.

AT Loew's the other day, Si Seadler with his shirt sleeves rolled up, busy preparing new campaigns for Metro films. "Metro is all right, alright, alright," he said.

We're not disputing it.

ERNIE EMERLING has found a new French restaurant on the East Side which he calls, "The Golden Canary."

OTTO KOEGEL is back at his desk downtown looking fine. He went through a terrible siege of illness, and his friends are all glad to see him back again on his feet, fully recovered.

E. V. RICHARDS is in town looking hale and hearty. The boss of the Saenger circuit checked in at Johns Hopkins for a thorough going over. The reports are O.K. To make sure he's getting himself a double check up here before returning to Louisiana. The boys expect him up here again in about ten days with his family for a World's Fair spree.

JOE VOGEL was at Atlantic Beach over the weekend and had a pretty good time, so he says. He has been with Loew's twenty-nine years. Probably there are few individuals in this business who can boast that kind of a record. It represents an investment of years and effort which can't be counted in terms of money.

THERE will be no decision from Paramount for several weeks regarding a successor to George Trendle as head of the Paramount theatres in Detroit.

LOU POLLOCK'S idea of screen encores for "The Mikado" is catching on. John O'Connor, head of RKO theatres, has booked the stunt for RKO, and John Nolan has booked it for the Comerford circuit. Johnny O'Connor is on record as favoring development of the idea by distributors and producers. O'Connor thinks that the idea can be used in connection with all big film musicals.

RKO Creditors Lose as Court Gives Plan OK

(*Continued from page* 1)

event reorganized RKO was compelled to issue new debentures in exchange for the old there would be no assurance that the new company would be able to meet interest payments, in which case it would be back in the courts.

"An avoidance of that eventuality could be the only feasible treatment for debenture holders," the court held.

The plan preserves the existing priority of the company's security holders, it was asserted, and the precedence of the debenture holders is given "full recognition." The court recalled that more than two-thirds of the RKO debenture holders have given the plan their approval.

Denies Preferential Dealing

Pointing out that debenture holders will receive the equivalent of 78 times as much as the RKO common stockholders, the court ruled that there was no reason to believe either that the plan gave the stockholders preferential treatment or that the proponents of the plan were not acting in good faith.

The Copia and Fabian appeals, which were similar, sought to have a cash reserve set up which would compensate them for any future obligation of RKO's which might arise in respect to performance of their guaranteed leases by RKO theatre subdsidiaries.

The Circuit Court held that there had been no default on rental obligations under the leases and, therefore, there is no occasion to resort to guaranties.

In addition, the court held that the two appellants were in the same position as any other creditor and had been so provided for in the plan.

Calls Conversion Illegal

Stirn's appeal attacked the validity of the 1931 conversion of RKO Class A stock into common and contended that the alleged illegal conversion invalidated the entire reorganization plan. In 1931, and since then, Stirn refused to exchange his old Class A stock for the common.

The Circuit Court held that the exchange was "obviously beneficial" to Class A holders and upheld its validity. It described Stirn's contention as "the barest technicality" and held that his appeal had no standing because of the application of the legal rule of "leches," or that he waited too long to bring his action attacking the 1931 conversion.

The court also rejected Stirn's objections to the plan on the ground that identical financial interests in RKO and Paramount tended toward an interlocking directorate. The opinion said this objection was "not of sufficient merit to warrant separate discussion."

Shathin Sails Friday

LOS ANGELES, July 18. — Mike Shathin, Warners' sales manager in Japan, arrived today from New York conferences with home office executives. He sails Friday for Japan.

'About Town' Loop Leader With $36,000

CHICAGO, July 18.—"Man About Town" took a good $36,000 at the Chicago. "You Can't Get Away with Murder" drew $13,600 at the State-Lake and "Goodbye, Mr. Chips," was strong at the Apollo with $8,200 in the third week. Hot weather hurt business.

Estimated takings for the week ending July 12-15:

"Goodbye, Mr. Chips" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days, 3rd week. Gross: $8,200. (Average, $6,500)
"Man About Town" (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Vaudeville Revue. Gross: $36,000. (Average, $32,000)
"The Kid from Kokomo" (W. B.)
GARRICK—(900) (35c-40c-65c) 7 days. Gross: $5,000. (Average, $6,500)
"The Hardys Ride High" (M-G-M)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $13,300. (Average, $13,000)
"Clouds Over Europe" (Col.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $10,400. (Average, $11,000)
"You Can't Get Away with Murder" (W. B.)
STATE-LAKE — (2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $13,600. (Average, $12,000)

Republic Sets Two New England Deals

Republic has closed a deal for the 1939-'40 product with Interstate Theatres, Boston, operating 32 thaetres in New England. Another deal has been set with the Maine and New Hampshire Theatres of Boston, operating 21 New England houses.

The contracts were negotiated by James R. Grainger, Republic president; Herman Rifkin, New England franchise holder for Republic; and E. Morey, Boston office manager.

Mexican Employes Seek Wage Boosts

MEXICO CITY, July 18.—Organized employes of the American distributors have filed demands for salary increases averaging 20 per cent.

It is understood the distributors will refuse to meet the demands, contending that they already are paying high wages, in view of the increases averaging up to 50 per cent given not long ago.

U. S. Film Imports Are High in Britain

LONDON, July 18.—Oliver Stanley, president of the Board of Trade, reported today in the House of Commons, under questioning, that 1938 imports from the United States totaled 13,516,000 feet of exposed positive film, valued at about $380,000.

He reported that 1,123,000 feet of exposed negative film were imported, valued at about $70,000.

RKO Scout Tours Summer Theatres

Arthur Willi, in charge of the RKO talent department, is currently touring the summer stock circuit on the lookout for screen possibilities for his studio. He will be away for at least the remainder of this week.

Theatre, Personnel Notes

Raze Cincinnati Theatre

CINCINNATI, July 18.—The 1,200-seat RKO Grand, one of the oldest downtown landmarks, will close Thursday, after which the building will be razed, and a deluxe 1,500-seat house built by the Taft estate, owners, which will be operated under lease by RKO. The RKO Lyric, directly across the street, will take over the Grand policy and admission scale, playing holdover weeks at 25 and 40 cents. The Lyric now is a first run house at 35 and 42 cents for matinee and evening, respectively.

Opens Seattle House

SEATTLE, July 18.—The Century, 350-seat house, has been opened as a foreign film house by Charles Barnes, former manager of the Roosevelt, and Jack Shallow, Jr., formerly with Northwest Film Productions, Inc., a local producing firm.

New Theatre in Charlotte

CHARLOTTE, N. C., July 18.—Mayor Ben E. Douglas officially opened the new Dilworth in the Dilworth section of Charlotte Saturday evening.

RKO Exchange Moves

SEATTLE, July 18.—RKO exchange moved into new and more spacious quarters, adjoining their former location. The new office is located at 2316 Second Ave.

Raises Bridgeport Scale

BRIDGEPORT, Conn., July 18.—Jack Schwartz has raised the admission scale five cents at the renovated West End, making the Sunday top 25 cents and weekday 20 cents. No other admission rises have been reported in the territory.

Reopens Texas House

JACKSONVILLE, Texas, July 18.—Jefferson Amusement Co. has reopened the Dorbandt here. A new independent theatre will be opened in August by L. M. Threet.

Open at Albany, Texas

ALBANY, Texas, July 18.—H. S. Leon, of Haskell, owner of theatres in Haskell, Baird and Crowell, reopened the Aztec after renovation.

Manages Texas House

TULIA, Texas, July 18. — The Grand, recently bought by Hollis Boren, Memphis, now has C. W. Weisenberg as manager, replacing R. C. Matheny.

Poli Drops Giveaway

NEW HAVEN, July 18.—Harry F. Shaw, Loew-Poli division manager, reports Hollywood Party, weekly cash giveaway plan, has been discontinued at the Poli, Waterbury. No other Poli house is now using the plan.

Takes Knoxville Post

KNOXVILLE, Tenn., July 18.—L. Rex Ballard has assumed his new duties as manager of the Booth, succeeding Robert Whitson, who resigned to return to Birmingham. Ballard has been assistant manager of the Enzor at Troy, Ala.

Plan Connecticut House

JEWETT CITY, Conn., July 18.—Joseph Quittner, with Peter Perakos, is constructing a new 700-seat theatre here.

Monogram Albany Office

Harry Berkson, Monogram franchise holder in upper New York State, has opened an Albany exchange. Berkson heads the Buffalo office and has named Gene Lowe and Sam Milbery as Albany salesmen. Howard W. McPherson has replaced Michell Pantzer as booker at Buffalo, and Pantzer has taken a booker-salesman post at Albany.

Chicago Exchange Moves

CHICAGO, July 18.—Henri Elman, president of Monogram's Chicago exchange, has moved the office to 1248 South Wabash Ave.

Named RKO Booker

ALBANY, July 18.—William Williams, formerly office manager, has succeeded Herman Ripps as booker for the RKO exchange here. Williams has been succeeded by Sidney Stockton, cashier from the New York exchange.

Change Opening Day

HARTFORD, Conn., July 18.—Warners have changed from Wednesday to Friday opening at the Strand and Regal here, as well as the Capitol, Springfield, and Roger Sherman, New Haven.

Settos Buys Theatre

INDIANAPOLIS, July 18.—George Settos, president of Settos Theatre Co., has purchased the Irving, long-established neighborhood house, from Charles M. Walker. Settos now has 14 houses in Indiana and Kentucky. The Irving will be remodeled.

Robson Gets Canada Post

TORONTO, July 18.—Clarence Robson, eastern division manager of Famous Players Canadian Corp., Toronto, has been placed in charge of the eastern Ontario district in addition to the Maritime region, succeeding Morris Stein, Ontario district manager, who has been given the Niagara and Hamilton territory in addition to central and northern Ontario.

Offer Toronto House

TORONTO, July 18.—The partially-completed theatre at Sudbury, Ont., erected by J. Cohen of Toronto, has been offered for sale or rent through Davis & Turpin of Sudbury. Another theatre, the Regent, is being constructed by R. T. Stevens of Sunbury to replace a former Stevens Theatre and is expected to open late in August.

Reopen at Windsor Locks

WINDSOR LOCKS, CONN., July 18.—Joseph Walsh will reopen the completely redecorated Rialto on July 23, with David Magliora continuing as manager.

Glenn Grove in Charlotte

CHARLOTTE, N. C., July 18.—Glenn Grove, who has been assistant manager of the Carolina, has been appointed manager of the new Dilworth here.

Sells Interest in Theatre

BALTIC, CONN., July 18.—J. Behrens has sold his interest in the 500-seat Jodoin Theatre to Donald Baline, partner in the operation.

Reopen at Waynesburg, O.

WAYNESBURG, O., July 18.—The Wayne Theatre here, closed early in the summer, has reopened.

Trade to Fight Ohio Tax Suits On Exemptions

COLUMBUS, July 18.—Further action in the two suits of John V. Bostwick, a taxpayer, against the Ohio Tax Commission, challenging authority in exempting film rentals from the state sales tax, and urging collection of an estimated $1,250,000 due for taxes since inception of the law, will be defended by the industry instead of the commission, through a strategic move arranged by consent of plaintiff's counsel.

Defense Setup Decided

Universal Exchange, Frank J. Ferguson, operating the local Avondale, neighborhood house, and a group known as Cleveland Theatres, have been named to represent the industry in the defense action.

Concurrently with the change, the Franklin County Court of Appeals granted until Aug. 1 for filing answers to the suits, due July 15, thus making the fourth continuance since action was instituted. Meanwhile, the new defendant is preparing briefs pending decision by the court as to the acceptability of the change in the defense setup.

Case Facing Delay

The case is entitled to preferential hearing, but it is pointed out that several weeks may elapse before initial proceedings are begun, due to the absence of jurists on vacations.

Defendant is represented by Aubrey Wendt, Assistant Attorney General of Ohio, while the Hays Office has retained Bricker, Power and Barton to protect the interests of distributors. Bricker, elected Governor of Ohio last November, is an inactive member of the law firm.

Semler to Sponsor Heatter Broadcast

Gabriel Heatter, recently signed by Modern Industrial Bank, also has been signed for his Wednesday and Friday commentaries over WOR by R. B. Semler Co. The new contract is for one year and will start in October.

In another new WOR contract, the V. LaRosa Co. has signed for its third year of concerts over that station, starting Oct. 31 for 26 weeks. In addition to WOR, a number of Mutual stations also will carry the broadcasts. The number and location of the stations has not been set as yet. The Commercial Radio Service placed the contract.

Indianapolis Golf Set

INDIANAPOLIS, July 18. — Annual outing and golf tournament of the Indianapolis Variety Club will be held July 31 at the Broadmoor Country Club. Delegations from tents in Chicago, Cincinnati, Fort Wayne and Louisville are expected and an impressive array of prizes has been assembled. George Landis, 20th-Fox branch manager, is head of the committee on arrangements.

New Company Formed

ALBANY, July 18.—Kameo Exhibitions, Inc., has been incorporated here by Irving Goldstein, Leonard B. Beilowitz and Harold Goldstein, New York.

Plan Parley Of Canadian Independents

TORONTO, July 18.—The proposal for a consideration of grievances of independent theatre owners of Canada with respect to alleged excessive clearance and priority procedure by the Conciliation Committee of the Film Section, Toronto Board of Trade, definitely has been turned down by the Anti-Protection League of Canada. Arrangements are being made by the latter for the holding of the first All-Canada conference of independents here at the end of August to plan a course of action.

The Conciliation Committee suggestion has been rejected on the ground that the individual exhibitors are not adequately represented in that organization and also because the league has not yet been fully organized for a show of strength in backing up its claims. Organization work is under way in all parts of the Dominion and the convention at Toronto is expected to show maximum representation of privately owned theatres.

In turning down the offer of an immediate discussion of grievances with a view to adoption of reforms, the league has replied that an entirely new conciliation board for the whole Dominion, giving the independents balanced representation in a body that will be vested with final powers to draw up new clearance schedules and to enforce decisions in other problems, will be necessary. This new national committee would also have to take the scope of an appeal board to which regional committees would refer findings on local issues for final approval or revision, it is declared.

Hollywood Planning For Golden Jubilee

LOS ANGELES, July 18.—A committee of publicity men was appointed today to cooperate with Gabe Yorke of M.P.P.D.A. in preparing for Hollywood's participation in the observance of the industry's Golden Jubilee.

The publicity directors met with Yorke and Tom S. Pettey, Hays office publicity chief, to discuss the celebration, but no definite proposals were made.

The committee consists of Howard Strickling, Metro; Nate Dyches, 20th-Fox; Terry DeLapp, Paramount; Irving Rubine, Warners, and John P. Miles, Goldwyn.

¿Y Qué?

Mexico City, July 18.—Suit against a local producer to recover $4,000 claimed due for gasoline and oil which planes used while playing in one of his productions has been started by the Ministry of National Defense. The Ministry says that while it permitted the soldier flyers and planes to play gratis in the picture the producer must keep his promise to pay for the oil and gas the planes used.

Short Subject Reviews

"Goldilocks and the Three Bears"

(Harmon-M-G-M)

Following closely the fairy tale of Goldilocks' encounter with the papa, mama and baby bears, this cartoon, in color, should have a strong appeal for children. The story is faithfully reproduced with the story of the three bowls of porridge and the three beds. Activity of the papa bear should prove particularly amusing. Running time, 11 mins.

"The World of Tomorrow"

(RKO Pathe)

The World's Fair—its grounds, buildings, exhibits, statuary, the concessions—is presented in complete detail here. Every aspect of the fair, from the roller coaster rides to the halls of science, comes in for individual and specialized camera treatment, with, however, camera and commentary dwelling mainly on the various state exhibits. Running time, 9 mins.

"The Shooting of Dan McFoo"

(Warners)

A Merrie Melody cartoon in color, in which is told the shooting of Dan McGrew, as only the film cartoonist could imagine it. It is an amusing subject. Running time, 7 mins.

Delay Chicago Case On Air-Stage Show

CHICAGO, July 18.—The municipal court case regarding the legality of presenting the radio program, "Dr. I. Q.," from the stage of the Balaban and Katz Chicago theatre was postponed today until Thursday. Cash awards are given to those who answer the Quiz questions correctly.

A "Hot" Story

Toronto, July 18.—During the recent hot spell in Toronto, the Hollywood Theatre of the Allen circuit remained open all night and throughout Sunday without performances to enable the general public to escape the heat by remaining in the building as long as desired. No admission was charged but the offer was intended as a stunt to advertise the effectiveness of the theatre's cooling system.

IATSE Unionizing Cashiers, Ushers

Organization by the IATSE of cashiers, ushers and doormen in metropolitan New York theatres is now under way.

An incipient strike by Local 258 of United Retail and Wholesale Employees of America (CIO) ended last night with the employees of the RKO Regent, RKO Alhambra, and RKO Roosevelt returning to work after being out since Saturday night. There were only a few who had gone out.

Others walked out in the Williamsburg section of Brooklyn, at the Tilyou Theatre, Coney Island, and in Manhattan at the Midtown and Yorktown Theatres. Only three men walked out at the Yorktown Saturday afternoon. These were from the day shift. Nobody walked out at the RKO 81st Street or the RKO Palace, but the Albee in Brooklyn was being picketed on Monday, as was the Franklin in the Bronx.

Premiere of 'Wind' Set for December

HOLLYWOOD, July 18.—Nicholas M. Schenck, before departing tonight for New York following a week visit here, announced the signing of Jeanette MacDonald to a new contract. He announced that the world premiere of "Gone With the Wind" has been set for sometime in December at Atlanta, Ga. Miss MacDonald's next film will be "Lover Come Back to Me," co-starring with Nelson Eddy.

Early Trial of Trust Suit Impossible, Experts Say

(*Continued from page* 1)

calendar and such a motion could be opposed by the defendants.

However, even in the event the preference was granted by the court by early October, attorneys point out that there will be no available judges in this district to hear the case during October and November, because of cases already assigned which will be under way then. Moreover, few cases of any magnitude are begun during December because of the year-end holidays, thus making the January start the earliest likely one, even while granting the Government the benefit of every procedural advantage.

If, as is almost the universal rule, the Government does conduct examinations before trial, loses its motion for a preference on the calendar or encounters any other of numerous procedural complications, the trial might well go over to the Fall of 1940, or later, attorneys say.

The possibility of a trial before a three-judge Federal court is discounted in New York legal circles, first, because it would tie up three judges instead of one for an indefinite length of time and, second, because it would entail a formal trial of considerably greater length than an ordinary one.

First Anniversary

The first anniversary of the filing of the United States anti-trust suit in New York occurred yesterday with the case still enmeshed in legal red tape.

Hollywood In Brief

HOLLYWOOD, July 18.—David O. Selznick's cameras have used up 418,000 feet of color negative on "Gone With the Wind" to date (these are *not* studio figures) and will use about 50,000 more. It's a record.

Warner Brothers will single feature their "Daughters Courageous" in their Hollywood and Los Angeles theatres, feeling, as you know, somewhat strongly on both of these subjects.

RKO announces, with disarming candor, that the exteriors for "Abe Lincoln in Illinois" will be filmed "beside the MacKenzie River, nine miles from Eugene, Ore."

For bringing it in two days under schedule after getting it started one day late, SOL LESSER gave 27 members of his "Everything's On Ice" crew bonuses.

Star of that March of Time edition about the development of the art-industry, according to Hollywood applause, was RUDOLF VALENTINO—villian, according to other audible indication, JOSEPH I. BREEN.

Contracts—TAY GARNETT has contracted to direct "Send Another Coffin" for WALTER WANGER when he finishes "Eternally Yours" (no gag intended). . . . Paramount gave director EDWARD DMYTRYK a long term contract after looking at his "World On Parade" and let him keep his own name. . . . M-G-M and EDDIE BUZZELL, director, have got together on a new contract, and Warners have seen eye to eye with ROBERT ROSSEN, who wrote the screenplay for "The Roaring Twenties."

Writers—CRANE WILBUR, Warner's most versatile citizen, is writing the screenplay for "Guilty Women" with one hand while directing "Monroe Doctrine" with the other, and he'll probably do a spot of acting in either or both. . . . SCOTT DARLING, whose "Mr. Wong in Chinatown" puts Monogram's Wong series on a new high level, has sold an original story to Althea Films, Ltd., London, reversing the usual hands-across-the-sea procedure quite some.

Players — JUNE PREISSER, who tumbled about cinema stages until she bounced into the Follies, goes, still tumbling, into the cast of M-G-M's "Dancing Co-Ed. . . . RUTH ROBINSON, GERALD ROGER, HAROLD ENTHWHISTLE and LESLIE FRANCIS have joined the growing "Light That Failed" company at Paramount. . . . JOE KING and PAT O'MALLEY will have parts in Warners' "Queer Money" and the veteran FRANK MAYO gets a break in "20,000 Years in Sing Sing."

CHARLES BICKFORD and BARTON MACLANE are to co-star in Monogram's "Murder In the Big House" and the budget has been inflated for the enterprise. . . . After 18 years in top parts in London and New York stage plays, FREDERICK WORLOCK has been assigned by M-G-M to play a Russian revolutionist in "Balalaika." Bang!

Mutual Builds Net in South; Adds Stations

Mutual network continued further expansion into the south yesterday with the addition of three new stations which will become affiliated with the network effective Sept. 24. Last month four other southern stations joined Mutual.

The new stations are WSIX, Nashville, Tenn.; WLAP, Lexington, Ky., and WGRC, which operates in New Albany, Ind., but maintains studios in Louisville, Ky.

All three stations operate with a power of 250 watts during the daytime, and 100 watts at night.

The group, known as the Southern Network, will be available, individually and collectively, to advertisers.

Arrangements for the new affiliations were executed by Fred Weber, general manager of Mutual; Jack Draughon of WSIX; S. A. Cisler of WGRC and Gilmore Munn of WLAP and president of the Southern Network Inc.

The four stations which joined Mutual last month are all in North Carolina—WSOC, Charlotte; WRAC, Raleigh; WSTP, Salisbury and WAIR, Winston-Salem. With the addition of the Southern Network stations, the total number of stations affiliated with Mutual will be 121.

Campbell to Present Two Serials on CBS

Campbell Soup Co. yesterday signed to present two new serial strips over CBS facilities starting this Fall. A contract by Lehn & Fink Products for a program presenting Burns and Allen was also placed with the network yesterday.

The Campbell strips will be titled "Meet the Dixons" and "Donna Curtis." Former will be broadcast Mondays through Fridays from 9:15 to 9:30 A.M., over a 14-station hookup, starting July 31. Latter will be presented on a 55-station hookup, also Mondays through Fridays, from 11:15 to 11:30 A.M., starting Sept. 11.

The Burns and Allen program, in behalf of Hind's Honey and Almond Cream, will start Oct. 4, and Wednesdays thereafter from 7:30 to 8 P.M. The network will comprise 50 stations.

Robbins to Amarillo

SAN FRANCISCO, July 18.—Don C. Robbins, local manager of Walter Biddick Co., station representatives, has resigned to become commercial manager of Amarillo Broadcasting Co. of Amarillo, Texas, operators of KFDA.

Air Silk Hose Fight

Mexico City, July 18.—Local radio stations that do not get the business of silk stocking manufacturers and distributors are using paid plugs for the campaign a large number of women are waging against silk hose in an effort to bring down the price. Anti-Japanese propaganda has crept into some of these plugs.

BANNER RADIO LINES

By JACK BANNER

O'KEEFE REPLACES JOLSON . . . Walter O'Keefe has done his Fall shopping early and is comfortably set for the coming year. He'll work for Ruthrauff & Ryan in the Tuesday night variety show for Lever Bros. over which Al Jolson used to preside. Dick Powell, who took over when Jolson left the series, will not be with the session when it reappears on the air.

▼

TELEVISION . . . Still two more American feature films have been snared by NBC for television. They are old Howard Hughes thriller, "Hell's Angels," and the "Abraham Lincoln" of Walter Huston. In the case of "Hell's Angels," NBC will present it in two installments on consecutive nights. The film runs to a two-hour length, which is too long a time for a viewer to sit gazing at a small screen, in the opinion of the NBC television experts.

▼

CBC RULING . . . Canadian Broadcasting Corp. has made an important ruling in the prohibition of recordings of speeches or other programs for simultaneous broadcasts over any group of privately-owned stations in an evasion of the regulation against any actual hook-up of stations other than a CBC network. A Toronto publisher had made use of recordings of his series of political speeches from a number of private studios after he had been denied the use of a network by the CBC and the new rule affecting all sponsors of commercial programs is the result. One of those affected is Lowell Thomas.

▼

AT THE FAIR . . . Fred Coll and George McCoy, conducting their interview program from the Fair grounds the other midnight, invited a bystander to the mike. He obliged and immediately burst into a tirade against Whalen, the Fair, and a concessionaire who had just discharged him. Coll hurriedly elbowed the hot-head away from the mike and jostled someone else to the stand. After signing off the air, Coll and McCoy stepped in for some refreshments, and almost became the victims of a beer hall putsch when they were surrounded by the disgruntled speaker and a group of his pals, demanding to know why he had been pushed off the air. The boys had to do some tall talking to get away with their whole skins.

▼

RADIO SINGER'S RISE . . . Lucy Monroe, who for years served as the vocalist on "American Album of Familiar Music" and other Blackett-Sample-Hummert programs, climaxes a young but spectacular career in concert work by singing with the New York Philharmonic Symphony in Lewisohn Stadium Saturday night. She will be the first New Yorker to sing with the Philharmonic. Checking her progress since she left the air, it becomes apparent that her destiny is of the brightest hue. We know of no radio singer who can match the strides made by Miss Monroe in concert and operatic work, and her rise has only begun.

▼

BETTE DAVIS' PROTEGE . . . Just heard, a grand story about Bette Davis. The Warner star has interested herself in a juvenile girl singer of the West Coast, Pam Caveness. So interested is Miss Davis in the girl's career, that she personally has arranged a guest appearance for the youngster on the Raymond Paige program July 28. Miss Davis will come to New York at her own expense and will appear on the program without fee in order to give the youngster a "send-off."

▼

COUGHLIN DECLINES . . . Father Charles E. Coughlin has declined with "regret" to accept free time on the Emerson Radio and Phonograph Co. period on Mutual, an offer which was made as a result of his virtual demand that he be given opportunity to reply to Elliott Roosevelt, who last Saturday raked Coughlin and his principles during his regular Emerson commentary period. "Regret I must decline your kind offer. It would not be dignified for me to become a party in aiding the sale of the Emerson product," stated his wire.

To allay Father Coughlin's fears that the whole thing was a plot to get him to serve as bait to sell Emerson radios, Alfred J. McCosker of Mutual wired Detroit a second time, offering free time on an open, non-commercial period. This telegram remained unanswered, and now Mutual and Emerson Radio Co. have officially closed the matter.

Roosevelt will be given his answer Sunday on Coughlin's own network, but the radio priest will not deliver the rebuttal. It will be given by Rev. E. C Curran of Brooklyn, an associate of Coughlin's.

Shuford Takes Post With Lord & Thomas

Stanley Shuford has joined the Lord & Thomas agency and will be in charge of the creative work on film accounts under Jack Pegler, head of the film advertising department of the agency. Shuford formerly was with the Biow agency and before that with Warner Bros. He is very well known in the trade.

Among the film accounts handled by Lord & Thomas are RKO and the Walter Wanger company (United Artists).

McArthur in CBC Post

TORONTO, July 18.—D. C. McArthur of Toronto has been appointed press representative here for the Canadian Broadcasting Corp. McArthur is former Canadian representative for the Chilean Nitrate Bureau and recently was with the MacLean Publishing Co. here.

WORC Names Weed

WORC, Worcester, Mass., has appointed Weed & Co. as national sales representatives. The station, a 500-watt unit, is owned by Alfred Kleindienst and is a basis CBS outlet.

Holland Shows Stronger Wish For U. S. Films

By PHILIP de SCHAAP

AMSTERDAM, July 18. — American pictures are gaining steadily in favor with Holland's film audiences, as indicated by the annual increase in importation of American product.

During 1938, 338 American films were imported, out of a total of 539 from all countries. Germany, which ranked second, sent only 84 films into Holland, France 59, and England 22. During 1937, of a total of 499, American product accounted for 312; Germany, 75; France, 45, and England, 31.

Whereas in 1931, 1932 and 1933, German films totaled nearly as many as American, the following five years showed a sharp drop in German imports, and a corresponding increase in American product. French product, on the other hand, is taking an increasingly important place in the Dutch market.

During the first quarter of 1939, a total of 2,536,287 persons visited Amsterdam film houses, with gross recepits at about $653,000. During the corresponding quarter in 1938, the gross receipts were about $591,000. There are 35 houses in the city of 800,000 population.

Mexico Notes

MEXICO CITY, July 18.—During the first eight years of Mexico's talking picture industry, which had its inception in 1930 with the making of two films, the investment in production was $3,500,000. That outlay leaped from $69,000 in 1930 to $1,125,000 last year, for the making of 60 pictures.

The 1938 output seems to have put Mexico in the lead of Spanish America, for, according to Mexican figures, the Argentine made 40 pictures last year, Cuba and Peru six each, Brazil five, Venezuela two and Uruguay one.

Some grumbling is heard because Jose Mojica is Mexico's best paid picture player at the rate of $4,000 per production, while Libertad Lamarque, ace Argentine performer, is said to command $20,000 a picture.

Determined to give the town adequate picture entertainment the Government of Durango State, owner of the theatre, is to auction Aug. 1 the Cine Principal, a 2,500-seat house in Durango City, the state capital. Action is being taken, the Government explains, because the lessee quit exhibition some time ago and has failed to keep the house in repair. Initial bid is fixed at $40,000.

Mexico's Legion of Decency, which is chiefly concerned with clean pictures, has rounded out its fifth year. It has 12,000 active members and claims 300,000 others. Manuel Gomez Morin, a prominent lawyer, is president. During its career, the legion has sat in on the censorship of 11,325 pictures and induced the cleaning up of about 25 per cent of them.

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N. Y.
(6 COPIES)

VOL. 46. NO. 13 NEW YORK, THURSDAY, JULY 20, 1939 TEN CENTS

Green Backs AFA as Still 'Part of AFL'

Dispute to Spread Over Whole U. S., Belief

Los Angeles, July 19.—The controversy between the American Federation of Actors and the Four-A's threatens to become national in scope.

This loomed as a strong likelihood today as William Green, president of the American Federation of Labor, in a telegram to J. W. Buzzell of the Los Angeles Central Labor Council, said:

"We still recognize the AFA as part of the A.F. of L."

This disclosure was made at a meeting called by the Hollywood chapter of the AFA as an answer to yesterday's session of the new chapter which is being called the American Guild of Variety Artists. This Guild was formed after the Four-A's deprived the AFA of its charter.

The principal speaker at today's meeting, attended by 150 persons, was I. B. Padway, AFA attorney, who interrupted yesterday's AGVA session presided over by Eddie Cantor. He maintained that the Four-A's trial was illegal and that the decision was known in New York four weeks before the trial opened.

Padway also charged that intrigue existed on the West Coast to undermine the AFA through the connivance of Ken Thomson of the Screen Actors Guild and I. B. Kornblum representing Equity.

Nation-wide involvement of other

(*Continued on page 8*)

'Iron Mask' Brings Music Hall $90,000

"The Man in the Iron Mask" grossed an estimated $90,000 in its first week at the Music Hall and is held over there. "Winter Carnival" will follow.

Third week of "Man About Town" drew an estimated $32,000 but the film had to be withdrawn to make way for "The Magnificent Fraud."

Grosses continued to hold for "Goodbye, Mr. Chips" and it drew an estimated $12,000 in its ninth week at the Astor. Second week of "Hell's Kitchen" at the Globe brought an estimated $5,700.

Last five days of "On Borrowed Time" grossed an estimated $10,000 at the Capitol. "Of Human Bondage" will be revived next Wednesday at the Criterion.

12 Features Billed By Alliance Films; Rogers Negotiates

A new season release schedule of at least 12 features, one special and a selected list of short subjects and "featurettes" was set yesterday by Alliance Films, of which Budd Rogers is vice-president and general manager.

The company, which handles selected product from Associated British Pictures (Arthur Maxwell), recently opened its own New York exchange in the Film Center Bldg., 630 Ninth Ave. Arthur Greenblatt, assistant to Rogers, will guide exchange operations.

Rogers is now negotiating with independent distributors throughout the country to handle territorial rights on a franchise basis.

Alliance's first release will be "The Warning," which will be sold apart from the other 12 features. The picture recently played the Loew Circuit throughout the country. Subsequent releases will be "Black Limelight," with Raymond Massey, which played the Globe here recently, and "Dead Men Tell No Tales," with Emlyn Williams and Hugh Williams, which goes into the Globe late this month.

In addition, the lineup includes two Edgar Wallace Scotland Yard melodramas, "The Terror" and "Mystery of Room 13"; 'The Hidden Menace," with Otto Kruger and Gertrude Michael, which Albert de Courville directed; "Black Eyes," with Kruger and Mary Maguire; "Spies of the Air," from Jeffrey Doll's stage play; "Just Like a Woman," with Gertrude Michael and John Lodge, which was directed by Paul Stein; "One Night in Paris," with John Lodge and Hugh Williams; "Little Miss Molly," with Maureen O'Hara, and "Luck of the Navy."

Movietone Seeks Elliott Roosevelt

Another Roosevelt may enter the motion picture industry.

Truman Talley, general manager of Fox Movietone News, is negotiating with Elliott Roosevelt, head of the Texas State Radio Network, to join the newsreel as a commentator. Roosevelt started as a commentator in Texas over his own network and only two weeks ago began a sponsored series over the Mutual network.

His brother, James Roosevelt, is vice-president of Samuel Goldwyn, Inc., under a new five-year contract.

Theatres Demolish Signs on Marquees

Broadway houses will today complete demolition of electrical signs which have been on top of marquees for some years. Refusal of the Building Department to renew licenses for these signs which violate the local building code, together with an agreement with the City Planning Commission which was reached two weeks ago, were ascribed as the reasons for taking down the signs.

The signs, which formed a superstructure above the marquees, were used generally to advertise stage attractions. The marquees are unaffected as they are all within the legal limit of nine feet.

More than a month ago an attempt was made to establish a ban on theatrical and advertising signs on Broadway, and especially in the Times Square area.

Games, Premiums Revived By 25 Century Theatres

Century Circuit houses in Brooklyn and Queens have reinstated games and premiums after a three-week period during which both were suspended "pending clarification of the legal situation." The policy in Long Island houses has not been altered.

Following the conviction in the Atlantic case, Joseph Springer, circuit head, announced the discontinuance of the game policy, stating that he did not wish to subject his managers to possible danger. Century, however, had anticipated that other circuits would follow its lead, but when this failed to materialize, decision to resume the games was made. Money games and premiums are now in use in approximately 25 Century houses.

Meanwhile, I.T.O.A. is conferring with N. Y. License Commissioner Paul Moss relative to the elimination of games in clubs and churches in the midtown area. Since games have been taken out of film houses since July 3, it is urged that the Commissioner should take some action against the others.

Exhibitors who have eliminated games in midtown are still unable to determine its effect on grosses. Sentiment is to give the trial a fair chance to succeed. The first week, being a holiday week, did not provide a test and the subsequent nine days are insufficient to form a judgment.

Trust Action On Calendar Since March

U. S. Reports Discovery of Ramish Answers

Discovery that the Government anti-trust suit against the industry has been on the Federal court calendar here since last March, during all of which time it has been drawing nearer to a trial call, was made yesterday by attaches of the U. S. Attorney General's office here.

The case went on the calendar automatically with the filing of an answer by Adolph Ramish, former Universal director, on March 4, last. It is number 394 on the calendar, which is now up to No. 207, with the calendar about a year behind. Thus, in the ordinary course of events the case would be reached about March, 1940.

Attorneys for both the Government and the defendants have been unaware that the case has been on the calendar or that Ramish's answer was filed. In fact, several attorneys for defendants were unaware of the Government's discovery late yesterday.

As a result of the discovery it was reported that Paul Williams, assistant to the U. S. Attorney General, will move at once to obtain a preference for the case on the calendar and may serve notice to this effect on the defendants tomorrow. If so, the notices may be returnable before Fed-

(*Continued on page 7*)

Oklahoma Defense Asks Trust Details

Oklahoma City, July 19.—Defense counsel in the anti-trust action of the Department of Justice against the Griffith circuit companies and eight major distributors today filed motions in Federal Court here asking a bill of particulars and more definite statement of the charges against them.

The Government complaint charges the Griffith companies, not affiliated with any major company, combined to monopolize first and second run exhibition in the Oklahoma, Texas, Arizona and New Mexico towns where they operate.

One motion was filed by the Griffith Amusement Co., Consolidated Theatres, Inc., R. E. Griffith Theatres, Inc., L. C. Griffith, H. J. Griffith and R. E. Griffith. Separate motions were filed by Paramount, M-G-M, RKO, Vitagraph, Universal, 20th Century-Fox, United Artists and Columbia,

(*Continued on page 8*)

Code's Final Changes Due In Few Days

Final revisions of the industry trade practice code may be completed by Friday when sales managers and company attorneys meet again with that objective in view.

Presumably for this reason, no definite commitment on either the final form of the code or its effective date was given Ed Kuykendall, M.P.T.O.A. president, during his meeting yesterday with William F. Rodgers, chairman of the distributors' negotiating committee.

Kuykendall, who went to Washington last night to meet today with Department of Commerce officials and an M.P.T.O.A. conference committee, will return to New York this weekend for another meeting with Rodgers on Monday.

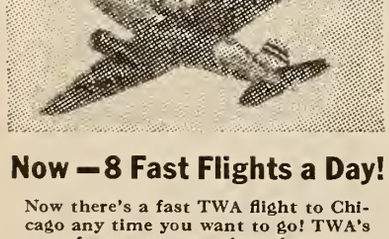
Following tomorrow's meeting with sales executives, Rodgers is scheduled to hold a weekend conference with Sidney R. Kent and, possibly, with other members of the distributors' negotiating committee. These include Gradwell L. Sears, Abe Montague, Ned E. Depinet and alternates George J. Schaefer and Nicholas M. Schenck.

Seletsky to New Haven

Sam Seletsky has been appointed manager of Republic's New Haven exchange by Herman Rifkin, New England franchise holder for New Haven and Boston territories. George Rabinowitz, former New Haven branch manager, has been transferred to the Boston sales staff.

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Now there's a fast TWA flight to Chicago any time you want to go! TWA's new, frequent, convenient departures *actually make it possible for you to commute by air to Chicago!*

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IRVIN S. COBB, author of the original story from which Paramount's "Our Leading Citizen" was adapted, will attend the picture's world premiere at Van Buren, Ark., August 7 and will appear on a radio broadcast at the opening with BOB BURNS, star of the film.

•

MRS. TYRONE POWER, SR., mother of the player, was given a farewell party by the Children's Convalescent Home, Cincinnati, prior to her return to the coast. JOE GOETZ, assistant division manager for RKO, arranged the affair.

•

PAUL BENJAMIN, production manager of National Screen Service, will be confined in the Mountainside Hospital for another month with sciatica. He underwent an operation Saturday.

•

EDWARD C. CAHILL, RCA Photophone division manager, has returned to the Camden home office, after a week in the Boston and New York territories.

•

W. L. JONES, national service manager for RCA Manufacturing Co., Inc., is on a business trip to the Atlanta district.

•

FRED W. WENTKER, assistant manager of the RCA Photophone division, is in the Kansas City territory this week.

•

EDWARD G. ROBINSON, Warner star, is due in New York tomorrow from the coast, en route to Europe for an extended vacation.

•

JAMES ELLISON has returned to the RKO coast studio following a vacation of several weeks in New York and New England.

•

ELIAS LAPINERE, M-G-M publicity director on the continent, is in New York and visited Managers' Round Table headquarters.

•

LARRY BEATUS, Loew district manager for Westchester County and New Jersey, is vacationing with his family at Lake George.

•

SAUL RENICK, former advance agent for United Artists, is now managing WALTER READE'S Casino at Asbury Park.

•

OSCAR A. DOOB, Loew advertising director, has returned to his desk after a vacation.

•

WALLY CALDWELL, manager of Loew's Valentine, Toledo, O., was a visitor at the home office.

•

HARRY MARGOLIS, M-G-M Long Island booker, is vacationing at his Summer home in Rockaway.

•

JOSEPHINE VISBAL of News of the Day has left for a two-week vacation.

•

ALICE DUER MILLER has signed a new contract as a writer for M-G-M.

JOSEPH SEIDELMAN, Universal vice-president and foreign head, returns to New York tomorrow on the *Ile de France* after a two months' business trip abroad.

•

JOHN L. DAY, JR., general manager in South America for Paramount, will arrive in New York July 26 on the *Argentina* for annual home office conferences.

•

JOSEPH LOCALLE, manager of the State, New Brunswick, will succeed MILTON TOMKINS as manager of the Kingston at Kingston, N. Y., on Saturday. TOMKINS resigned.

•

EMANUEL SILVERSTONE, SI SEADLER, JAMES MULVEY, J. J. MILSTEIN, BEN JACKSEN, JOSEPH MALCOLM at BOB GOLDSTEIN'S Tavern for lunch yesterday.

•

HENRY GORDON, manager in Central America for Paramount, sails on the *Veragua* Saturday for Trinidad and thence to his office at Ancon.

•

MARTHA RAYE left Hollywood for San Francisco yesterday to launch a personal appearance tour at the Golden Gate Theatre.

•

DEL GOODMAN, 20th Century-Fox manager for the Far East, arrives in New York on Monday for a home office visit.

•

AL SUCHMAN, film buyer and booker for Consolidated Amusement Enterprises, is on a vacation in the Adirondacks.

•

JOSEPH INGLER, Brandt booker, has left for a two-week vacation in New England.

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Cole Pledges Allied's Help In U. S. Study

WASHINGTON, July 19.—Cooperation of Allied in the Government's effort to bring about an improvement of conditions in the film industry was tendered Department of Commerce officials today by Col. H. A. Cole during a conference at which he outlined the position of his independent exhibitor group on the various problems which have been under consideration.

Colonel Cole was closeted with Dr. Willard L. Thorp, Ernest A. Tupper and Nathan D. Golden for about two hours this morning as the group went over the effect of various practices in the industry on the smaller exhibitors.

His visit followed that of Harry A. Brandt of the I.T.O.A., who likewise pledged the cooperation of his organization.

Following the conference, Department officials said Colonel Cole's discussion of conditions had been enlightening and that he may later be asked to furnish supplementary material.

Tomorrow the Department group will meet with representatives of the M.P.T.O.A. for a further exploration of matters which were touched upon in the conference with Ed Kuykendall last month.

Hutchinson Marks 20 Years With Fox

Walter Hutchinson, 20th Century-Fox foreign head, observed his 20th anniversary with the company yesterday. He joined Fox July 19, 1919, after having served at G.H.Q., Chaumont, France, during the World War.

His first position was as a salesman working in the Canadian territory. Soon after he was made home office representative and branch manager for Canada and then became assistant foreign manager at the home office. In 1921 he went to Australia as home office representative and opened company offices in Tasmania, the Dutch East Indies, Singapore, Bangkok, Manila, Hong Kong, Shanghai and Japan.

In 1925 he was made managing director for Great Britain, and in 1933 he became European general manager. He was given his present post as director of foreign distribution by Sidney R. Kent, 20th Century-Fox president, in December, 1935.

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WATCH

CAGNEY against RAFT

in the picture that tops 'Angels with Dirty Faces'

'EACH DAWN I DIE'

with Jane Bryan, Geo. Bancroft, Directed by WM. KEIGHLEY

WHAT HAPPENS AT WARNERS' NEW YORK STRAND TOMORROW!

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with
OTTO KRUGER — Phillips Holmes — Diana Chur
From the play known on Broadway as "BACHELOR BORN" by Ian Hay

"THE TERROR"
with
WILFRID LAWSON — Bernard Lee — Arthur Won
From the EDGAR WALLACE Thriller

"LUCK OF THE NAVY"
with
GEOFFREY TOONE — Clifford Evans — Judy K
From the play by MRS. CLIFFORD MILLS

"ONE NIGHT IN PARIS"
with
JOHN LODGE — Hugh Williams — Joan Mar
— Judy Kelly —

"THE HIDDEN MENACE"
co-starring
OTTO KRUGER — GERTRUDE MICHA
with John Clements — Patrick Barr

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starring
RTRUDE MICHAEL — John Lodge — David Burns
From the Story by PAUL HERVEY FOX

"SPIES OF THE AIR"
with
RRY K. BARNES — Roger Livesey — Basil Radford
From the play by JEFFREY DOLL

"BLACK EYES"
starring
TO KRUGER — Mary Maguire — Walter Rilla
Directed by HERBERT BRENON

"MYSTERY OF ROOM 13"
with
BB McLAUGHLIN — Sara Seegar — Peter Murray Hill
From the famous story by EDGAR WALLACE

"LITTLE MISS MOLLY"
starring
IKIE STUART — Maureen O'Hara — Phillip Reed
— Tom Burke —

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MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	MONOGRAM
June 16	Awful Truth (reissue) Western Caravans (O)	Tarzan Finds a Son *Weissmuller O'Sullivan*	Invitation to Happiness *Dunne MacMurray* (G) (D)		The Girl and the Gambler *Steffi Duna Carrillo*	Charlie Chan in Reno *Sidney Toler Ricardo Cortez Phyllis Brooks*			Nancy Drew Trouble Shooter *Bonita Granville Frank Thomas, Jr.* (G) (D)	Stunt Pilot *John Trent* (June 30)
June 23	Clouds Over Europe *Olivier Valerie Hobson* (G) (D)	Maisie *Ann Sothern Robert Young*	Grand Jury Secrets Heritage of the Desert (O)	In Old Caliente *Roy Rogers Mary Hart*	Five Came Back *Chester Morris Lucille Ball* (G) (D)	Susannah of the Mounties *Shirley Temple Scott*			The Kid from Kokomo *O'Brien Wayne Morris* (G) (C)	The Man from Texas (O) *Tex Ritter* (July 21)
June 30	Parents on Trial Good Girls Go to Paris	Stronger than Desire *Virginia Bruce Walter Pidgeon* (A) (D)	Bulldog Drummond's Bride *John Howard Heather Angel*	Wyoming Outlaw (O) *John Wayne*	Timber Stampede *Geo. O'Brien*	It Could Happen to You *Gloria Stuart Stuart Erwin* (G) (D)		House of Fear *Wm. Gargan Irene Hervey*		Mr. Wong in Chinatown *Boris Karloff Marjorie Reynolds* (Aug. 4)
July 7		On Borrowed Time *Lionel Barrymore Hardwicke*	Man About Town *Jack Benny Dorothy Lamour* (G) (C)	Mickey, the Kid *Bruce Cabot*	Career *Anne Shirley Edward Ellis*	Mr. Moto Takes a Vacation *Peter Lorre Schildkraut*		Forgotten Woman *Sigrid Gurie*	Naughty But Nice *Dick Powell*	Girl from Rio *Movita* Riders of the Frontier (O) (Aug. 18)
July 14	A Woman Is the Judge *Rochelle Hudson*	They All Come Out *Rita Johnson*	Million Dollar Legs *Betty Grable Jackie Coogan* (G) (C)	She Married a Cop *Phil Regan Jean Parker*	Of Human Bondage The Lost Squadron (reissues)	Second Fiddle *Henie Power Vallee*		Unexpected Father *Baby Sandy Mischa Auer*	Waterfront *Gloria Dickson* Hell's Kitchen (G) (D)	
July 21	Blondie Takes a Vacation (G) (C) The Man from Sundown	Andy Hardy Gets Spring Fever *Rooney Lewis Stone*	Magnificent Fraud *Akim Tamiroff Lloyd Nolan* (A) (D)		Way Down South *Bobby Breen Alan Mowbray*	News Is Made at Night *Preston Foster* Ware Case *Clive Brook*		I Stole a Million *George Raft Claire Trevor* (G) (D)	Daughters Courageous *John Garfield Priscilla Lane* (G) (D)	G. N.
July 28	Escape from Alcatraz *Brian Donlevy Jacqueline Wells*	Goodbye, Mr. Chips *Robert Donat* (G) (D)	Island of Lost Men *Anna May Wong Truex Blore*	Should Husbands Work? *Three Gleasons*	The Spellbinder *Lee Tracy Barbara Read*	Frontier Marshal *Randolph Scott Binnie Barnes*	Winter Carnival *Ann Sheridan Richard Carlson* (G) (C)		Cowboy Quarterback *Bert Wheeler Marie Wilson Gloria Dickson*	Singing Cowgirl (O) *Dorothy Page* (June 2)
Aug. 4	Hidden Power *Jack Holt Gertrude Michael*	Miracles for Sale *Robert Young Florence Rice*	Night Work *Mary Boland Charlie Ruggles*	Colorado Sunset (O) *Gene Autry Smiley Burnette*	Bachelor Mother *Ginger Rogers David Niven* (A) (C)	Elsa Maxwell's Hotel for Women *Ann Sothern*	Four Feathers *Ralph Richardson Aubrey Smith*		Indianapolis Speedway *Ann Sheridan Pat O'Brien* (G) (D)	
Aug. 11	Behind Prison Gates *Brian Donlevy Jacqueline Wells*	Lady of the Tropics *Hedy Lamarr Robert Taylor*	Our Leading Citizen *Bob Burns Susan Hayward*	New Frontier (O) *John Wayne Ray Corrigan*	Bad Lands *Robert Barrat Noah Beery, Jr.*	Chicken Wagon Family *Jane Withers Leo Carrillo Marjorie Weaver*	Man in the Iron Mask *Joan Bennett Louis Hayward* (G) (D)	Modern Cinderella *Charles Boyer Irene Dunne*	Playing with Dynamite *Jane Wyman Allen Jenkins*	
Aug. 18		These Glamour Girls *Lew Ayres Lana Turner Tom Brown*	This Man Is News *Barry K. Barnes* Renegade Trail	In Old Monterey (O) *Gene Autry Smiley Burnette*	The Kind Men Marry *Carole Lombard Cary Grant Kay Francis*	Stanley and Livingstone *Spencer Tracy Nancy Kelly*	They Shall Have Music *Jascha Heifetz Andrea Leeds* (G) (D)		Each Dawn I Die *James Cagney George Raft*	

Paramount Pictures

Book these PARAMOUNT SHORTS when you book your features!

JULY 21 — Paramount Color Cruise — COLOMBIA

JULY 28 — Popeye the Sailor Cartoon — IT'S THE NATURAL THING TO DO

AUGUST 4 — POPULAR SCIENCE #6 — Cinecolor

AUGUST 11 — Betty Boop Cartoon — YIP-YIP-YIPPY

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Trust Action On Calendar Since March

(Continued from page 1)

eral Judge John C. Knox on Monday. Williams, of course, had intended to seek a preference for the case on the calendar, in any event.

Several factors are to be considered in determining the effect, if any, that the presence of the anti-trust case on the court calendar for the past four and one-half months might have, film attorneys said yesterday.

Foremost of these is whether or not Ramish's answer is a valid one in the face of the fact that he is no longer a member of Universal's board of directors. While his answer was filed on March 4 and his term as a director did not expire until March 15, numerous substitutions of such inactive defendants among several of the companies have since been made. It could not be definitely determined last night whether Ramish has been excused as a defendant and replaced by another, in which event, attorneys are agreed, his answer would not serve to maintain the Government suit on the calendar.

U. S. Seeks Preference

If, however, the answer is a proper one and the case is permitted to remain on the calendar, the Government's motion for a preference might be viewed by the court as furnishing an undue advantage, in the light of the circumstances, if it were to be granted.

The preference is considered only for those cases which, in the opinion of the court, warrant them for "exceptional and meritorious reasons." If granted, the case would be put at the foot of the reserve calendar for trial on a certain date unless the court directs otherwise. There is a possibility, attorneys say, of the case being tried perhaps a month earlier than heretofore anticipated as a result of the presence of the case on the calendar, in the event the Government's preference is granted.

Ramish's answer stated merely that as a director of Universal he had attended only one board meeting, that in 1936, and that there had been no discussion of a "monopoly" at the meeting. He asserts that he went to no other directors' meetings and was at a loss to understand why he had been made a defendant.

Picture Pioneers Boost Membership

Terry Ramsaye, Leon Netter and Harry Buxbaum were elected to the executive committee of Picture Pioneers, newly formed organization of 20-year industry veterans at a luncheon at the Astor yesterday.

Jack Cohn, "house manager" of Picture Pioneers, announced that the membership rolls would remain open until September when the next "conference" session will be held. The following were admitted to membership recently:

Phil Reisman, William Fox, Joseph Rothman, J. A. Hopfenberg, Charles J. Gribbon, Lou Rydell, Bert Ennis, Adolph Haas, David A. Levy, Nat Beier, Elmore D. Heins, W. N. Skirball, Henri Elman, Alan Freedman and Morris Joseph.

Hollywood Review

"Beau Geste"

(Paramount)

HOLLYWOOD, July 19.—"Beau Geste," first of Paramount's new season quality pictures, is stirring, colorful, inspiring entertainment. Robust and vigorous, yet retaining the tender pathos of Percival Christopher Wren's classic adventure novel, the picture, produced and directed by William A. Wellman, incorporates those audience interesting and commercial values necessary to exceptional entertainment for all audiences.

Robert Carson's faithful transcription of the original story comes to realism under Wellman's skillful handling with such marquee assets as Gary Cooper, Ray Milland, Robert Preston, Brian Donlevy (who practically steals the show by his fine characterization of the brutal "Sargeant"), Susan Hayward, Heather Thatcher, J. Carrol Naish and Broderick Crawford. There is ample evidence that neither time, money, nor brain power were stinted in its making.

A novel application of the flashback technique is used to tell the story. In the prologue, the principal characters are identified and the reason for "Beau," "John" and "Digby" joining the Foreign Legion is established. Then the story, with all its adventurous excitement, romance and sacrifice, is set in a desert fort, where a rescue party finds all the Legionnaires dead.

Then, in retrospect, the audience sees all that happened. Described are the reasons therefore and it is made clear why "Beau" (Cooper) died prior to the tragedy of "Digby" (Preston) and why "John" (Milland) returned with Cooper's story of family devotion, again to resume his love match with "Isobel" (Miss Hayward).

Beginning with the prestige of Wren's story, capitalizing upon the Cooper drawing power and supplementing it with the appeal of the other cast "names," showmen should be well armed. Also, there is the lure of the dashing adventure yarn, with a full share of mystery and a touch of love interest, to arouse patronage enthusiasm.

Running time, 115 minutes. "G."* G. McC.

**"G" denotes general classification.*

ITOA Names Three For U. S. Parleys

Report of discussions with Department of Commerce officials was rendered by Lionel Toll to a membership meeting of I.T.O.A. at the Hotel Astor yesterday. Although no decisions were reached, Department officials were highly sympathetic.

Industry matters discussed included opposition to the Neely bill, labor conditions, trade practice code and its arbitration clauses, condition of the industry from a business standpoint, quality of features, legislation and pending law suits.

Since further conferences with the department will be held, a committee of three, Leon Rosenblatt, Irving Renner and Arthur Rapf, was designated to go to Washington on future dates. Harry Brandt, president, will serve on the committee *ex officio*.

A special meeting of the I.T.O.A. has been called for August 2 to consider the trade practice code, arbitration provisions, and film buying.

Hoffberg Appoints District Managers

J. H. Hoffberg Co. has appointed Robert H. Campbell as district manager, with headquarters in Washington, covering Maryland and Virginia. William E. Sipe of Memphis, has been named district manager to cover Tennessee, eastern Arkansas and western Kentucky. Pat Garyn has joined the sales staff, for Texas and Oklahoma.

Max Sprecher, director of Monopol Films, A.G., Rotterdam, left yesterday on the *Queen Mary* for his headquarters, after completing deals for 30 pictures through the Hoffberg company, his representative here.

Ohio Theatres Fear Bigger Tax Burden

COLUMBUS, July 19.—Ohio exhibitors are considerably disturbed over the "matching process" advocated in Federal proceedings for state relief agencies, since such a move would mean a $4,000,000 additional burden in this state.

This would definitely pave the way for a boost in the admission tax to the previous 10 per cent, and the possibility of new and increased taxes along other lines affecting the theatre, to help defray the added state obligation.

Ohio industry leaders will take steps to discourage the plan if a special session of the legislature is called to consider it. The matter is being closely watched by the industry in general, and by P. J. Wood, secretary of the I.T.O. of Ohio.

Birdwell to Handle Publicity on 'Cavell'

George J. Schaefer, president of RKO, has closed a deal with Russell Birdwell and Associates, whereby the firm will handle a special advance publicity campaign on "Nurse Edith Cavell," the Herbert Wilcox film starring Anna Neagle.

Birdwell will operate on the assignment from his Hollywood office, as well as working from the RKO studio with an auxiliary unit headed by Charles Leonard.

V. K. Richards Dies

TOLEDO, O., July 19.—Funeral services were held here yesterday for V. K. Richards, theatre, music and art critic of the Toledo *Blade and Times*, who died after a long illness. His widow and a daughter survive.

Film Leaders To Eckhardt Fete Monday

CHICAGO, July 19.—Herman Wobber, general sales manager of 20th Century-Fox, William Gehring, Truman Talley, Paul Terry, George Dembow, Neil F. Agnew and other prominent film and theatre men will attend the testimonial dinner for Clyde W. Eckhardt, branch manager of the 20th Century-Fox exchange here, now celebrating his Silver Jubilee anniversary.

The dinner will be held in the Casino of the Congress Hotel next Monday night. More than 500 are expected to attend, advance reservations indicate.

Beside honoring Eckhardt for his 25 years of service as an executive with 20th Century-Fox, the day will serve to open the new exchange building the company has erected on the corner of Wabash Av. and 13th St. It is modern in design, air-conditioned throughout and with the latest equipment. Open house from noon until 4 P. M. will be the order on Monday, according to exchange officials.

Heifetz Film Benefit To Draw Notables

Many notables of the city already have purchased tickets for the benefit world premiere of the Samuel Goldwyn (United Artists) production, "They Shall Have Music," at the Rivoli next Tuesday evening. The film features the screen debut of Jascha Heifetz, famous violinist.

The benefit will aid the Greenwich House Music School and the High School of Music and Art. Purchasers of seats include Mrs. Herbert L. Satterlee, Mrs. Paul D. Cravath, Mrs. Franklin D. Roosevelt, Mrs. Gerard Swope, Mrs. Benjamin Harrison, Mrs. William T. Bush, Mrs. Walter W. Naumberg, George Gordon Battle, Mrs. Lionel Perera, Adelade Milton deGroot, Mrs. Henry F. Ittleson and Frances MacFarland.

The committee sponsoring the benefit is composed of Mayor Fiorella LaGuardia, Mrs. Vincent Astor, Mrs. Mary Simkhovich, chairman of Greenwich House; Mrs. Henry Root Stern, chairman of the Greenwich House Music Committee; and License Commissioner Paul Moss. Mr. and Mrs. Samuel Goldwyn will attend from Hollywood.

UMPTO Approves Code, Hits Rentals

PHILADELPHIA, July 19.—The first meeting of the board of managers of United Motion Picture Theatre Owners today discussed the selling formula and a survey of the 1939-40 season. A committee was appointed to attack the problem of high rentals not only from a local standpoint with an attempt to obtain the cooperation of other groups for national action.

The trade practice code was discussed and approved, although it was held that it is not a complete solution.

Lewen Pizor, president, was authorized to attend the Department of Commerce meeting tomorrow at Washington.

Green Backs AFA as Still 'Part of AFL'

(*Continued from page* 1)

A.F. of L. Internationals may develop through the efforts of both sides in the controversy to gain support for their respective causes.

In view of Green's telegram, AFA delegates to central labor councils throughout the country will still be seated despite the Four-A's ouster of the organization. The wire inferred that under A.F. of L. laws AGVA delegates would have no official standing.

AFA Writ Hearing Scheduled Tomorrow

Associated Actors and Artistes of America, American Guild of Variety Artists and other member unions of the 4-A were yesterday ordered by Justice Timothy A. Leary to show cause in the New York Supreme Court on Friday why a temporary injunction should not be granted pending trial of the suit filed by American Federation of Actors.

The A.F.A. suit, also filed yesterday, reiterated the charges against the 4-A board which have been made to the press in the past few weeks.

The complaint seeks nine forms of relief. They are a decree vacating the revocation of the A.F.A. charter; declaration that the organization of A.G.V.A. is of no effect; damages from the defendant unions; an order that no A.F.A. member be denied privileges guaranteed under A.F.A. constitution; injunction against seizure of books or funds of A.F.A. or interference with A.F.A. employer contracts; restraint against solicitation of A.F.A. members to join A.G.V.A.; injunction against threats to employers who refuse to contract with A.G.V.A.; injunction against solicitation of employers to break A.F.A. contracts; and an injunction against proceeding under the 4-A resolutions or withholding credentials from the A.F.A. or its members.

Plea for a temporary injunction follows the same lines. Abraham J. Halprin, A.F.A. attorney, will ask the justice who hears the application to grant a temporary stay until he decides the motion. Unless this is granted, the defendants will be under no restraint to continue organization efforts until an adverse decision is granted.

Ralph Whitehead, A.F.A. executive secretary, declared in an affidavit that the only reason for withdrawal of the charter was that A.F.A. was found not to have exercised its jurisdiction "sufficiently and properly." He pointed out that the union had 90 contracts in New York City covering 5,000 employes and that the A.F.A. was the largest group within the 4-A.

Kuhn Details Ordered

Fritz Kuhn was ordered yesterday by Federal Judge Edward A. Conger to file and serve a detailed bill of particulars concerning his $5,000,000 libel suit against Warner Bros. Pictures Corp. for alleged defamation of character in "Confessions of a Nazi Spy." Under the order Warner Bros. will have twenty days after service of the bill of particulars to file its answer.

BANNER RADIO LINES

By JACK BANNER

FISHER'S "SCOOP" . . . There was no holding George Fisher yesterday when he opened his Mutual network program of Hollywood news and gossip. He had highly confidential information which he was passing on to newspaper editors everywhere. The item, it developed, was the story of the marriage of Whitney Bourne and Stan Griffis, the Paramount executive. We are certain that newspapers everywhere were thoroughly excited by the "tip." Fisher made his revelation hours after the story had been on the front pages of newspapers everywhere.

▼

"JAMMING" COUGHLIN OPPONENT . . . WNCW, a New York City station, is investigating and trying to track down the identity of a mysterious wireless amateur who is "jamming" parts of the broadcasts of Dr. Harry F. Ward, whose forum, "Answering Father Coughlin," is a feature on the station.

From reports received from its listeners, WNCW is positive that the "jamming" is intentional and is being carried out in accordance with a plan. Listeners have informed the station that Dr. Ward's questions are allowed to go out undisturbed and then the answers are "blotted out." It has happened with such frequency and with such regulartiy that the station has ruled out the possibility of accidental jamming. Jamming is a frequent practice in Europe, and rare here. Dictator countries often jam broadcasts from the democracies,. and Latin-American nations have frequently complained that broadcasts from the United States are blotted out by jamming from Germany and Italy.

▼

ABOUT MUTUAL . . . Yesterday we reported that Mutual's offer of free time to Father Coughlin on a sustaining period, remained unanswered. It now develops that Father Coughlin did reply by declining to accept the offer, which was tendered him by Alfred J. McCosker of Mutual via a telephone conversation.

▼

PERSONALS . . . Jack Benny got in from Waukegan, Ill., yesterday. . . . Radio division of TAC and the Radio Committee of the League of American Writers is tendering a reception to Norman Corwin today at the Progressive Bookshop. Corwin is the author of the prize-winning CBS production, "They Fly Through the Air With the Greatest of Ease." . . . Ed Wilde, formerly in the Hollywood office of Tom Fizdale, has been named general manager of Fizdale's Chicago office. . . . Roy Frothingham, manager of the San Francisco office of Weed & Co., station representatives, back to the Coast after a number of days here on business. . . . Irwin Nathenson, manager of Tom Fizdale's New York office, sails for a five-week European vacation on the *Ile de France* Saturday. . . . Ethel Owens, Chicago radio actress, settling in New York. . . . Tom McAvity, Lord & Thomas Hollywood radio producer, visiting in New York.

Stanton Griffis Wed To Whitney Bourne

Whitney Bourne, screen player, daughter of Mrs. Harvey D. Gibson and George G. Bourne, was married yesterday morning to Stanton Griffis, chairman of the executive committee of Paramount, at the home of Mr. and Mrs. Gibson at Locust Valley, N. Y.

The ceremony, attended by members of the immediate families, was performed by the Rev. Dr. Deyo. Mr. and Mrs. Griffis sailed yesterday on the *Queen Mary* for an extended honeymoon in Europe. Griffis also is chairman of the board of directors of Madison Square Garden Corp., chairman of the finance committee of Cornell University, and a special partner in Hemphill, Noyes & Co. The bride's step-father is president of the Manufacturers' Trust Co. and chairman of World's Fair finance committee.

Trade Sees 'Beau Geste'

PHILADELPHIA, July 19.—Leading exhibitors of Philadelphia and adjoining cities, representing nearly 200 theatres, attended a special trade screening today of Paramount's "Beau Geste" with which this film company will launch its 1939-40 season. This is the third of a series of special trade screenings. Picture was previously previewed in Albany and Boston and will be shown in all key cities within the next few days.

Oklahoma Defense Asks Trust Details

(*Continued from page* 1)

although they were all substantially similar in their request.

The defense motions ask: (1) name and location of theatres allegedly kept closed or taken over by the Griffith interests; (2) times when and circumstances under which each distributor defendant is alleged to have combined with the circuit; (3) the manner in which it is claimed Griffith companies were able to compel the distributors to grant them exclusive privileges, as charged; (4) manner in which alleged privileges prevented other exhibitors from obtaining first class pictures, and (5) name and location of each theatre the Government claims was unable to obtain enough first class pictures to operate successfully. Definition of terms is also sought.

The defense motion is returnable July 27.

TMAT Decision Delayed

BOSTON, July 19.—No decisions were forthcoming from the Massachusetts Labor Relations Commission which held a hearing today on a protest initiated by the Theatrical Managers, Agents and Treasurers Union on the eligibility of certain voters who cast ballots in an election last April for union certification.

Pennsylvania Allied Debates Trade Issues

HARRISBURG, Pa., July 19.—Exhibitor problems are being discussed at a series of regional meetings of theatre owners and managers, sponsored by the Allied independent theatre owners of Eastern Pennsylvania, which opened here yesterday.

Today a meeting is being held in Shamokin to be followed by one in Allentown tomorrow. Sessions also are announced for next week in Wilkes-Barre, Hazleton and Scranton.

Sidney E. Samuelson, of Philadelphia, business manager and former president of the national organization, is in charge. The meeting here held a roundtable discussion of the Neely bill, just passed by the U. S. Senate, and sentiment was strongly in favor of adoption of the measure.

Exchanges in general were criticized for what some of the exhibitors regard as too drastic demands upon exhibitors for the new season, arguing that boxoffice conditions do not warrant such exactions.

Speakers also protested delays by exchanges in delivering prints when promised, and kindred annoyances. An outline was given of what the local organization accomplished during the session of the Pennsylvania legislature, recently adjourned. In this session no legislation hostile to the industry was enacted.

Speakers also voiced a desire for a better grade of pictures from the boxoffice angle. Exhibitors were advised as to their rights under their contracts with producers. Six members were received into the organization at the Harrisburg meeting.

Griffith Dickinson, Commonwealth Deal

KANSAS CITY, July 19.—An agreement was reached here today between Griffith Dickinson Theatres, Inc., and Commonwealth Amusement Corp. whereby Griffith Dickinson will lease or sell four theatres to Commonwealth, and the latter similarly will lease or sell four to the former.

The houses which will be taken over by Commonwealth include: Dickinson and Varsity, Lawrence, Kan.; Dickinson, Great Bend, Kan.; Dickinson, Herrington, Kan,. and Dickinson, Ellsworth, Kan.

Griffith Dickinson will take over: Wareham, Manhattan, Kan.; Beldorf, Independence, Kan.; Kansan, Osawatomie, Kan., and Uptown, Marceline, Mo. The deal is effective immediately.

Farewell to Lobby

Lobby of the Palace Theatre, which is to be wrecked for rebuilding, will be given a farewell party Monday as a tribute to the old vaudeville days. Participating will be Olsen and Johnson, Harry Richman, Lou Holtz, Milton Berle, George Jessel, Ann Pennington, Judy Canova and others who played the Palace. WMCA will broadcast the event, with Martin Starr as emcee.

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Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 14 NEW YORK, FRIDAY, JULY 21, 1939 TEN CENTS

Bondy O.K.'s RKO Election Of Directors

Vote Today or Monday; Fast Reorganization

Final moves in the reorganization of RKO were speeded yesterday with the approval by Federal Judge William Bondy of a petition providing for the immediate election and installation of new members of the company's board of directors.

Meetings will be called for today or Monday with remaining members of the old board electing the newly designated directors to fill existing vacancies. The new members will, of course, carry over when the new RKO company is incorporated and begins functioning.

Organization of the new board, in addition to providing members with an opportunity to familiarize themselves with RKO operations, will give them a chance to pass upon new corporate papers after they have been approved by the court, and will permit a prompt election of new officers of the company.

Hamilton C. Rickaby, attorney for Atlas Corp., proponent of the plan of reorganization, submitted copies of the proposed certificate of incorporation for the new company, the proposed form of the new stock certificates, the new scrip certificates, the subscription warrants and the new company's by-

(*Continued on page 4*)

Skouras, Warner May Heal Breach

National Theatres division chiefs will meet here Monday and Tuesday with Spyros Skouras, head of the circuit, to discuss new season policies and product deals. Possibility of healing the breach with Warners is on the agenda.

Warners and National Theatres are seeking to bury the hatchet, in which event a deal for 1939-'40 may be made.

One of the major factors involved is the circuit's demand for adjustments on the 1937-'38 contract. There have been conferences with Warner sales executives on this subject.

Attending the National Theatres meeting here will be Charles Skouras, Fox West Coast, Los Angeles; Frank Newman, Seattle; H. J. Fitzgerald, Milwaukee; Rick Ricketson, Denver; Arch Bowles, San Francisco, and E. C. Rhoden, Kansas City, who is returning with his family from a Ber-

(*Continued on page 4*)

I.A.T.S.E. Threatens Soundmen's Strike; Asks Pact by July 24

Los Angeles, July 20.—Having won the first battle over the hiring of non-union men in studios following abrogation of the basic agreement, I.A.T.S.E. today pushed forward demands for a collective bargaining agreement with Soundmen's Local 695 upon threat of a strike at all studios.

The incident which brought matters of negotiations to a head was the inadvertent hiring by Metro-Goldwyn-Mayer of several non-union sound men for the recording department.

July 24 Deadline Set

This was met by telegrams to Metro and to Pat Casey, producers' labor contact man, stating that unless Metro removed non-union workers, a general soundmen strike would be called. Metro today adjusted matters by firing the men.

However, the Soundmen's Local gave producers a deadline of July 24 for the consummation of negotiations for new working agreements. The IA will insist that all contracts be retroactive to March 15 in matters of wage scales and hours.

Superior Judge Willis today continued until July 31 the hearing on an order to show cause why they should not be held in contempt against J. W. Buzzell, Los Angeles Central Labor Council executive, and six I.A.T.S.E. officials upon the request of A. Brigham Rose, attorney for Local 37.

Bank Night Illegal, Rhode Island Ruling

Providence, July 20.—In Rhode Island's first judicial ruling on the matter, Bank Night was held to be a violation of the state lottery law in a decision handed down in Superior Court by Judge G. Frederick Frost.

The court found the Big Chief Corp. guilty of lottery law violation in the operation of Bank Night in June, 1938.

The State's Attorney General two years ago declared Bank Night illegal and the few Rhode Island theatres using the game discontinued its use at that time.

MPTOA May Drop Meeting This Year

Washington, July 20.—M. P. T. O. A. will dispense with a national convention this year unless arrangements are completed within the next few weeks for a meeting in one of the larger Pacific Coast cities, national officers said today.

Arrangements are now being discussed by which a three-day meeting would be held in San Francisco in October, permitting delegates to visit the World's Fair there, then continuing on to Hollywood for three days of studio visiting. There is no assurance yet, however, that these plans will be consummated. If they are not, it is highly unlikely, officers said, that a national convention will be held this year.

"Each Dawn I Die"

(Warners)

Hollywood, July 20.—"Each Dawn I Die" is a dramatic masterpiece. It's a story of prisons and prisoners; a story of desperate, dangerous men; of men for whom all hope is dead, but who never cease hoping. It would be natural, with only superficial information upon which to base conclusions, that "Each Dawn I Die" is a man's picture. It is. But at the same time it's a woman's picture—every foot of it, first, last and always. We found that out by noting the reactions of women who sat about us during the preview.

It's not an expose nor is it a preachment or propaganda. There's no milk and honey in it. Nothing is soft-soaped, nor is anything overdone. Stark realism is the keynote of everything. Yet it is drama which rivets the attention, the kind of grim entertainment that stuns the imagination and tears at every emotion. Its sensationalism is the thrill of the year to date.

Vividly produced by Hal B. Wallis and his associate, David Lewis, and honestly directed, as all valuable picture properties should be, by

(*Continued on page 2*)

U.S. to Open 2 Fresh Suits In California

Columbia Denied Motion For Bill of Particulars

Washington, July 20.—It was disclosed today that the Department of Justice is planning two moves against the industry in California. One is an anti-trust action and another involves the relations between motion picture producers and certain labor leaders. Neither suit is ready for filing.

The suits will be in charge of Federal officials in Los Angeles, who will initiate the actions at such time as it seems appropriate.

It was denied that Attorney General Frank Murphy would handle the cases. Such a procedure, while unusual, is adopted only in the case of an extremely important proceeding.

Columbia Loses Plea For Bill of Particulars

Columbia's motion for a further bill of particulars from the Government in the industry anti-trust suit was denied by Federal Judge John M. Clancy yesterday.

The cryptic decision denied the motion "in all respects," holding that the Government had given "reasonable compliance" to Federal Judge William Bondy's order for an original bill of particulars from the Government. The court directed that Columbia file its answer within 10 days.

In addition to asking further particulars of the anti-trust law violations with which it was charged, Columbia asked that portions of the Government's complaint be eliminated for failing to comply with Judge Bondy's order; to strike out parts of the Government's bill of particulars as being "sham and frivolous"; to forbid the Governmnet from offering evidence on items which it failed to answer in its bill of particulars and to eliminate reference to Columbia's part in the Interstate Circuit case on the ground that the case has been disposed of in the courts.

A similar application for a further bill of particulars by United Artists is still pending before Federal Judge Edward A. Conger.

Trust Suit Assured Early 1940 Trial Here

Fact that the Government anti-trust suit against the industry has been on the Federal court calendar here for four and one-half months unknown to lawyers for both sides will make no material difference in

(*Continued on page 4*)

Gillmore to Protest Green Ruling AFA 'Still a Part of AFL'

Refusal of Theatre Authority to accept the resignation of American Federation of Actors and the decision of Frank Gillmore, president of Associated Actors and Artistes of America, to confer next week with William Green, president of American Federation of Labor, were the outstanding developments in the 4-A-A.F.A. dispute yesterday.

Theatre Authority, organization which regulates benefit performances and allots proceeds for actors' relief, refused the resignation and ordered an investigation with a hearing scheduled for August 3.

Six charges were filed which included the alleged failure to segregate funds in a special account from June, 1935, to February, 1939; alleged use of charity funds for salaries and overhead; alleged use of relief funds to reimburse the A.F.A. treasury for moneys used for flowers and expenditures prior to June, 1935; alleged use of relief funds for bonuses or loans to persons not entitled to such funds; and alleged retention of proceeds from two benefits in Florida.

The investigating committtee includes Brock Pemberton, producer; Walter Vincent, vice-president of Actors Fund, and George Buck, executive secretary of Catholic Actors Guild.

Gillmore will confer with Green about possible reconsideration of a ruling made by the latter to the Los Angeles Central Trades and Labor Council that the A.F.A. was still part of the A.F. of L. and that its delegates were entitled to be seated.

The 4-A office pointed out yesterday that Section 5 of Article 4 of the A.F. of L. constitution specifically provides that delegates from a union suspended by an international may not be seated by the Central Council.

Hearing on the injunction suit brought by A.F.A. will be held in the New York Supreme Court this morning unless the 4-A counsel requests an adjournment.

Moss Delays Action On Games Until Fall

N. Y. City License Commissioner Paul Moss does not intend to take any further action for the elimination of games from theatres, clubs or churches until the end of the Summer, he declared yesterday. Careful watch will be kept on the situation in the midtown area, where games were taken out of film houses on July 3, and experience there will be used as a guide for further conferences in the Fall, he said. No effort to compel midtown clubs to withdraw bingo games will be made in the interim.

Short Wave Boosts Given Jubiliee Plans

Industry's Golden Jubilee observance, to start early in August, is already being given publicity over the short-wave broadcasts sponsored by the industry over CBS in six languages.

It is expected that theatre and film men will organize local committees to sponsor the observance. The 300 newspaper and fan magazine writers in Hollywood are being given full information regarding the event.

Purely Personal

NICHOLAS M. SCHENCK, president of Loew's, is due today from a trip to the studio.

•

MAX A. COHEN, ERNIE EMERLING, ART SCHMIDT, MORRIS KINZLER, SAM SHAIN, MILTON BERLE, BERNARD SOBEL, A. H. BLANK, WILLIAM ORR, IKE LIBSON, MARCUS HEIMAN, CLAUDE GRENEKER and MILTON WEISMAN at Nick's Hunting Room in the Astor for lunch yesterday.

•

HARRIS WOLFBERG, M-G-M branch manager in Kansas City, and D. C. KENNEDY, M-G-M branch manager in Des Moines, lunching with ED SAUNDERS, sales executive, at the Hotel Astor yesterday.

•

FAY BAINTER, immediately after finishing her current role at Paramount, will go East for a New York stage play, her first since she left Broadway three years ago.

•

EDWARD G. ROBINSON arrives today for an extended vacation here and abroad. He expects to sail for Europe in about 10 days and will return to the studio in September.

•

HERB RICHEK, head booker at the United Artists New York branch, and AL BLUMBERG, Brooklyn booker for Warners, are vacationing in Canada. They will return July 31.

•

VICTOR FRANCEN, French screen star, is scheduled to arrive in New York on the *Ile de France* today for a vacation. He also will visit Hollywood.

•

JOHN L. DAY, JR., Paramount's general manager in South America, arrives next Monday morning aboard the *S.S. Argentina*.

•

HERB MORGAN, in charge of M-G-M shorts publicity, arrives today from Pittsburgh.

•

W. C. HERMAN, original operator of the Hawthone, Hawthone, N. J., has again taken over the theatre.

MORT BLUMENSTOCK, Warners eastern advertising and publicity director, is due early next week from a coast trip.

•

CHARLES H. RYAN, Warners assistant zone manager in Chicago, and HERBERT W. WHEELER, Warner district manager in the same city, were visitors yesterday at the Managers' Round Table.

•

GRADWELL L. SEARS, Warners general sales manager, is expected Monday from Chicago. BEN KALMENSON, division manager, who accompanied him, will tour the South for a couple of weeks.

•

RALPH RIPPS, booker at M-G-M's Indianapolis branch, has been shifted to the Albany branch. WILLIAM SCHWARTZ of the home office will take over RIPPS' former post.

•

HARRY JOE BROWN, associated producer at Twentieth Century-Fox, yesterday had his contract extended for two years.

Leo, Jr.

MGM Crowns Lion Cub At Fair Tomorrow

Crowning of Leo, Jr., who will be the new trademark for M-G-M's shorts, is scheduled to be a colorful event at the World's Fair tomorrow.

The three-month-old lion cub was chosen in a contest sponsored by the Lions International, which had a convention in Pittsburgh this week. After the Fair ceremonies, he will be sent by plane to the M-G-M studio to carry on the trademark tradition by growling at the start of each short.

The crowning ceremonies will have a host of celebrities on hand, with speeches by Mayor F. H. LaGuardia, Grover Whalen and Ed Kuykendall, president of the M.P.T.O.A.

"Each Dawn I Die"

(Warners)

(Continued from page 1)

William Keighley, "Each Dawn I Die" presents James Cagney and George Raft in two memorable performances. Never before in their careers have their personal and professional characters been so perfectly adapted to parts as in the roles they play with such conviction in this picture. Each surpasses his previous best. Their support, Jane Bryan, George Bancroft, Maxie Rosenbloom, Alan Baxter, Victor Jory, John Wray, Edward Pawley, Willard Robertson, Paul Hurst and Joe Downing, also, do superior work.

A story synopsis of "Each Dawn I Die" is available for the asking. As a matter of fact, the Jerome Odlum novel, upon which Norman Reilly Raine and Warren Duff founded their powerful screenplay, is purchaseable at almost any book store. But a reading of the book or its synopsis won't give anybody very much of an idea of what will be seen and heard in the picture. When the screen does one of its great jobs the best way to find out about it is to see it on the screen. Then nobody has to depend upon anybody else's word. But, if you want to, you can take our word for it—"Each Dawn I die" is a money-in-the-bank picture.

Running time, 90 minutes. "G."* G. McC.

*"G" denotes general classification.

CIO Unionizes Usher-Cashier Forces in City

United Ushers, Doormen and Cashiers Union, C.I.O., is organizing among metropolitan theatres. Three RKO theatres are being picketed. A petition asking that it be designated as collective bargaining agency for RKO employees has been filed with the N. Y. State Labor Relations Board.

An informal hearing was held yesterday at S.L.R.B. offices but no decision was reached on the question of an election. Further conferences will be held next Thursday. The union claims to have organized 650 employes in the RKO, Skouras, Cocalis, Loew's and Brandt circuits.

Wage scale sought by the union is $25 for chief ushers, $23 for assistant chiefs, $22.50 for cashiers, ticket takers and barkers, $19 for captains and $18 for ushers. Maximum of 40 hours weekly and vacations with pay also are sought.

I.A.T.S.E. was granted jurisdiction over ushers, doormen and cashiers by the A.F. of L. but no local for such employes has been set up in New York City, although such locals exist in other cities. The C.I.O. group is confining its organizational efforts to the five boroughs at the present time.

'Each Dawn I Die' Goes Into Strand

"Each Dawn I Die" opens today at the Strand with George Raft, co-star in the film with James Cagney, making a personal appearance at one of the stage shows. At the Roxy, "Second Fiddle" continued strong in its third week, with an estimated $32,000 gross, and will be held over for a fourth week. "Frontier Marshall" will go into the Roxy on July 28. "Indianapolis Speedway" drew an estimated $24,000 at the Strand.

Omaha Golf Aug. 21

OMAHA, July 20.—Omaha Variety Club will hold its annual golf tourney and dinner at the Ralston Club on Aug. 21, according to Harry J. Shumow, chief barker. The committee includes Shumow, Glenn Rogers, Joe Jacobs, Joe Scott and Sid Rose.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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OPENING AT RADIO CITY MUSIC HALL NEXT WEEK!

TWO REELS of the world's most famous birthday party . . . showing the Dionne darlings at childhood's cutest age! . . . And who's their playmate?...None other than Alexander Woollcott, world-famous wit and man-about-the-world . . . highlighting the things they do with the sort of glowing comment that rates him millions of readers and radio listeners! . . . THE ONE BIG EXTRA ATTRACTION FOR EXTRA MONEY FOR EVERY THEATRE THAT PLAYS IT!



The DIONNE QUINTUPLETS

CELEBRATING THEIR FIFTH BIRTHDAY

FIVE TIMES FIVE

with

ALEXANDER WOOLLCOTT

RKO PATHE PRODUCTION

PRODUCED BY FREDERIC ULLMAN, Jr.

DIRECTED BY FRANK DONOVAN

DISTRIBUTED BY

RKO RADIO PICTURES

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Bondy O.K.'s RKO Election Of Directors

(*Continued from page* 1)

laws to Judge Bondy yesterday. The latter leaves on a vacation early in August and much of the final work will be cleared through the court by then. Judge Bondy set July 31 for further hearings.

The underwriting agreement for $1,500,000 of new common stock, which will be offered to general creditors at a price per share to be approved by the court, will be ready for Judge Bondy's study in a week. It will be presented by Atlas Corp., which will be the underwriter of the issue. Sale of the stock is to provide additional working cash for the new company.

The corporate name, Radio-Keith-Orpheum, will not be changed in the process of reorganization, leading creditor factors said yesterday.

Skouras, Warner May Heal Breach

(*Continued from page* 1)

muda cruise. Spyros Skouras will preside.

Regional conventions of the circuit scheduled for next month in Kansas City and Los Angeles have been called off. Instead, Skouras will leave on a field trip in August, during which he will attend annual division meetings in Milwaukee, Kansas City, Denver, Seattle and Los Angeles.

At these meetings discussions will be on plans for the new season, the annual business campaign to start in the fall and operations generally. Product deals closed for the new season will be detailed.

Pays as Admission Tax Is Ruled Legal

DENVER, July 20.—With a ruling by the Colorado Supreme Court that the service tax of two per cent on amusements is constitutional, Everett Cole, mayor of Alamosa, Colo., appeared at the state treasurer's office with a $3,418.78 check paying taxes in full for the period since the law went into effect in May, 1937. Cole operates theatres and dance halls at Alamosa.

Party for Autry Today

Gene Autry, Republic western star, will be honored at a press party at the Warwick Hotel this afternoon. Autry sails Wednesday on the *Manhattan* for a personal appearance tour in England. H. J. Yates will accompany him. They will be gone six to eight weeks.

Co-Star Taylor, Garson

HOLLYWOOD, July 20.—Robert Taylor and Greer Garson will be co-starred by M-G-M in an original story, "Remember," which will be Milton Bren's first production for the studio. Norman Z. McLeod will direct.

Insider's Outlook

By SAM SHAIN

GEORGE J. SCHAEFER, president of RKO, goes to the Coast Monday. "Reports that I am going to stay on the Coast permanently are untrue," he told inquirers.

ALEXANDER KORDA has cabled an emphatic denial of the report that he is involved in a deal with Charles M. Woolf for the release of pictures. Mr. Korda states that the deal was never contemplated.

IRVING TRUST CO. is not participating in any Educational-Grand National financing.

ED SULLIVAN, in a recent *Daily News* column, says: "The Nick Schencks are in Hollywood for a few days. . . . M-G-M's Nick Schenck is one of the finest men in the industry, so highly regarded that other companies, when they have a dispute with M-G-M, pick him as the referee. . . . They know that his decisions will be unaffected by his connections." (That's not news . . . we've known it for years !—Editor.)

ARE double features a novelty? Stuff and nonsense, says Paul Seehausen, history teacher in Shortridge High School in Indianapolis. The first double feature in Indianapolis was in 1823, he says, when a traveling stock company set up shop in Carter's Tavern. They played "The Doctor's Courtship" and "The Jealous Lovers." Admission was 37½ cents.

There's no record of Bingo or of Indian pottery being given away, Mr. Seehausen says.

THERE was a meeting of the new board of directors of RKO yesterday, at which all the boys got acquainted.

TONY GALENTO, his manager, Joe Jacobs, Frank Buck and Floyd Gibbons were among those who saw a private showing, in the United Artists home office, of Jascha Heifetz's picture, "They Shall Have Music" (Goldwyn-United Artists) made by Archie Mayo. Galento took one swift glance at the luxurious seats in the United Artists projection room and said:

"These are the kind of cushions I ought to have in my saloon."

WEDDING bells in the Fall for Sid Rechetnik of Warner Bros. publicity department.

AT the Paramount Theatre on Broadway, managed by Bob Weitman, they have discovered that just as good business can be done with a small but good band, surrounded by popular stage specialties, as with the very large bands which command tremendous salaries. That house no longer is spending $10,000, $13,000 and $14,000 weekly salaries for bands.

In the spring of 1932, when vaudeville was still flowering, Eddie Cantor and George Jessel, as a team, drew a $10,000 salary. Recently, when Eddie Cantor appeared at Loew's theatre, he walked out with $25,000. Other salaries at that time were: Kate Smith, $4,000 to $7,000; Lou Holtz, $5,000 to $6,000; Olsen & Johnson, $4,000; Weaver Bros., $5,000; Paul Whiteman, $7,500; Ben Bernie, $6,000; Fannie Brice, $3,000 to $5,000; Clayton, Jackson & Durante, $5,000 to $7,000; Beatrice Lillie, $4,500; Four Marx Brothers, $10,000; Harry Richman, $5,000; Morton Downey and Camel Radio Hour, $7,500; Ruth Etting, $3,500.

PAGING Hollywood! How do you like Jim Roosevelt's new hat?

BROADWAY was denuded yesterday of all temporary electric displays above theatre marquees. The dimming of the Gay White Way was ordered by the City Building Department, which claimed violations, and now the boys in the theatres are lying awake nights trying to figure out how to attract World's Fair visitors to Broadway houses, without the big electric letters.

IF there's a man up in the tree in your neighborhood, just take it smilingly. He's just one of the many stunt men who are about the countryside, these days, impersonating Tarzan, for "Tarzan Finds a Son."

AFRICA Speaks. . . . Four pictures with African locales are due for Broadway showings Aug. 2, 3 and 4. They are "Beau Geste" (Para.); "Four Feathers" (Korda-U. A.); "Stanley and Livingstone" (20th-Fox), and "Lady of the Tropics" (M-G-M).

U.S. to Open 2 Fresh Suits In California

(*Continued from page* 1)

the start of trial of the suit, according to a consensus of legal opinion here yesterday.

Attorneys point out that Paul Williams, Assistant to the Attorney General, had planned before the discovery of the case on the calendar to ask for a preference for it on the trial calendar and the mere fact that the case is already on the calendar would not serve to bring it to trial any earlier in the event a preference is granted.

It might move the case up from March, 1940, to January, it was said, but it was conceded earlier that the trial could begin in January if the Government met with no unforeseen developments during the remaining preliminary stages.

That the Government may have been aware that the case has been on the court calendar since last March 4, following the filing of the first answer in the suit by Adolph Ramish, former Universal director, is indicated by the fact that no effort has been made by the Department of Justice to substitute new Universal defendants for inactive ones, as has been done with every other defendant company.

The Government requested Universal last Winter to submit a list of inactive officers and directors who had been made defendants together with a list of those who might be substituted for the inactive ones. Universal responded shortly after its annual meeting on March 15 when Ramish was not reelected to the board. His name was among those listed as no longer actively associated with the company.

However, on March 4 Ramish's answer to the Government's bill of complaint was filed, as a result of which the anti-trust suit was placed on the Federal court calendar. Thereafter, the Government made no further move to substitute Universal defendants, although it proceeded to make substitutions for other companies' defendants, including those of RKO although the reorganized company's board of directors was not even formally constituted.

B & K Withdrawing 'Dr. I. Q.' in Chicago

CHICAGO, July 20.—Balaban & Katz today announced that it would cease running the NBC radio show, "Dr. I.Q.," in the circuit's Chicago Theatre, in view of the opinion of the City Corporation Counsel's office that the program is a game of chance.

Rather than have the court establish the legality of the proposition, B. & K. announced its withdrawal, declaring the circuit is desirous of operating no promotions which are in any way questionable.

Para. to Ask Dismissal

Paramount Pictures, Inc., yesterday filed a notice that it would apply to the U. S. District Court on August 6 to dismiss the stockholder's suit of Frank Jablow and Sam Acker for failure to state a cause of action. Suit claimed waste, mismanagement and excessive salaries were paid to Paramount officials.

Ascap Battles In Nebraska And Montana

Ascap will file suit for copyright infringement against Montana broadcasting stations which have continued to use Ascap music on their programs since their licenses were cancelled by the society several weeks ago, according to Schwartz & Frohlich, Ascap counsel.

The stations' licenses were cancelled following enactment of a Montana law which Ascap officials said made further operations in the state impracticable for the society. Radio networks were warned not to serve the Montana stations with Ascap music and, since the warning has been ignored, the suits will be brought against Montana's six stations, according to counsel.

Trial of Ascap's action to test the constitutionality of Nebraska's anti-Ascap law has been set for Sept. 18 before a Federal statutory court at Lincoln. Louis D. Frohlich of Ascap counsel will represent the society. Trial of the action attacking the Florida anti-Ascap law has been set down for October, but without a definite date as yet.

House Turns Down Bondholder Study

WASHINGTON, July 20.—A 600-page report compiled by J. L. Tupy, chief investigator of the House select committee to investigate bondholders' reorganizations, yesterday, was unsuccessfully offered the House by Congressman Adolph J. Sabath of Illinois, chairman.

Since the committee's authority expired Jan. 3, last, and, it was claimed, the report has not been given the approval of committee members, objections to its acceptance, either as a report or as a House document, were sustained by Speaker Bankhead.

The report is a sharp arraignment of many of the reorganizations investigated by the committee, which went into a number of film company operations, including Balaban & Katz and Paramount-Publix.

J. Cheever Cowdin Is Due Wednesday

J. Cheever Cowdin, Universal board chairman, will arrive in New York next Wednesday on the *Champlain* following a six weeks' business trip abroad. Cowdin conferred with C. M. Woolf and other Universal associates in England and completed arrangements in Paris for the resumption of work by Danielle Darrieux on her Universal contract. It is reported that Miss Darrieux will make one picture for Universal in Hollywood and a second in Paris under the agreement reached.

Open Monogram Branch

CHICAGO, July 20.—Capitol-Monogram Pictures of Chicago will celebrate the opening of its new building on Monday with a cocktail party. Henri Elman is exchange manager.

Hollywood Preview

"Way Down South"

(Principal-RKO)

HOLLYWOOD, July 20.—Bob Breen's seventh starring picture, "Way Down South," is laid against a background of pre-Civil War life on a Southern plantation, and many of its characters are slaves. Tied together by a thin plot involving a thieving executor of a youngster's estate, the picture presents beautiful renditions of old Negro spirituals long familiar to American ears.

Contributing to the effectiveness of the music and the background is the Hall Johnson Choir, group of noted colored singers who appeared with the youngster in a previous picture, "Rainbow on the River."

A cast including Alan Mowbray, Ralph Morgan, Clarence Muse, Steffi Duna, Sally Blane, Edwin Maxwell, Charles Middleton, Lillian Yarbo and Stymie Beard supports Breen effectively. In addition to portraying a featured role, Muse wrote with Langston Hughes the original screenplay and two songs for the film. Bernard Vorhaus directed, with Sol Lesser producing.

Some of the well-known songs in the film are "Oh, Dem Golden Slippers," "Nobody Knows De Trouble I Hab Seen," "Peter, Go Ring Dem Bells," and "Sometimes I Feel Like a Motherless Child."

Orphaned by an accident to his father, Breen finds to his dismay that the executor of the estate is dealing harshly with the slaves and intends to sell many of them. He enlists the aid of an inn keeper and subsequently exposes the crime.

Running time, 62 minutes. "G."* VANCE KING

**"G" denotes general classification.*

'U' to Have Sixteen Films Ready Sept. 1

HOLLYWOOD, July 20.—Universal will have 16 of its 1939-'40 features ready for release when the season opens on Sept. 1, Nate Blumberg, president, declared here.

Only one picture, now in work, is still to be made for the 1938-'39 schedule. The first 1939-'40 picture, "The Underpup," is in the cutting room.

Blumberg declared: "This is in accord with our policy of keeping production well ahead of distribution so that exhibitors will get their Universal product on schedule. Completion of our new sound stages and other improvements in the machinery of production will enable us to adhere strictly to this system in the future and meet every release date of our enlarged program for the new season."

The last release on the current season's schedule is "First Love," starring Deanna Durbin, which is now in work.

Also completed, and being prepared for release on the new season's schedule are "Mutiny on the Blackhawk," "Tropic Fury," "Bad Company," "Hawaiian Nights," "Hero for a Day," "London by Midnight," two westerns, "Desperate Trails" and "In Old Oklahoma" and a serial, "The Phantom Creeps."

Six others, in work or preparation, include: "Rio," "Missing Evidence," "One Hour to Live," "Legion of Lost Flyers," "Call a Messenger" and "Listen, Kids."

Kassler to Transatlantic

Frank Kassler, foreign film distributor, has become associated with Transatlantic Films, Inc., bringing with him four releases, "Dark Eyes," "The Curtain Rises," "The Flight Into Darkness." Other Transatlantic releases are "Conflict," produced by Cipra Films, Paris; "La Maison du Maltais," by Gladiator Films, Paris; "Esclave Blanche" and "Drame de Shanghai," both by Lucia Films, Paris, and "Innocence," by A. B. Pictures, Prague.

Newsreel Parade

New issues vary in contents, with no outstanding event. The reels and their contents follow:

MOVIETONE NEWS, No. 90—Douglas Corrigan weds. Tobacco crop auction. Crowds escape heat at Coney Island. President's mother in France. Army tests new plane. Fashions. Lew Lehr. Jack Dempsey is well again. Former mile champ in comeback. Cheeta race.

NEWS OF THE DAY, No. 288—Bastile Day in France. Corrigan marries childhood sweetheart. Mussolini's son-in-law visits Spain. Governor of Michigan urges moral uplift. Girls in reducing exercises. New dance hits London. Dempsey makes public appearance. Yacht race.

PARAMOUNT NEWS, No. 101—Bob Hope at Fair. Louisiana under probe. Corrigan married. Dempsey in camera interview. East Side needy on vacation. Stanton Griffis marries. Tobacco chant contest.

RKO PATHE NEWS, No. 1—California harvests attract crowds. Japs reconstruct China. Prepare for autumn fishing in Idaho. Rare birds shipped to St. Louis zoo. House building booms in Indiana. Drive sheep to pasture. Corrigan weds in Texas.

UNIVERSAL NEWSREEL, No. 790—Twin convention. Byrd's ship ready for trip. Duchess renames ship. Wheat harvests in California. Woman sets globe air record. School burns in Portland. Fur fashions. Girls roll logs. Dempsey recovers. Ski slide on pine needles. Organize grouch club.

Song Infringement Suit

Federal Judge Edward A. Conger yesterday ordered John Joseph Davila to file a bill of particulars to his song infringement suit against Warner Bros. Pictures, Inc., RCA, NBC, CBS, and a large number of other defendants. Davila contends that "The Desert Song" was pirated from his song, "If I Were a Spider and You Were My Fly."

Merlin Schreiber Killed

OMAHA, July 20.—Merlin E. Schreiber, 39, exhibitor and banker at Wisner, Neb., was killed in the crash of an automobile and truck. His wife and son survive.

MPTO Chiefs Second Time At Washington

WASHINGTON, July 20.—Last of the current series of conferences by the Department of Commerce with industry groups was held here today with an M.P.T.O.A. delegation. This was a return visit by the organization. Discussions with the various groups are scheduled to be resumed in several weeks.

Headed by Ed Kuykendall, president, the M.P.T.O.A. representation included Stanley Sumner, University Theatre, Cambridge, Mass.; Sidney B. Lust, Washington; William F. Crockett, president, M.P.T.O. of Virginia, and Lewen Pizor, president, U.M.P.T.O. of Philadelphia. Reports were given on the situation in their respective territories.

In the discussions with the Department officials, also have appeared spokesmen for the distributors, Allied and the New York I.T.O.A. The Department group will now undertake a study of the material acquired with a view to determining whether there is anything it can recommend for a betterment of the industry.

While no further conferences will be called for possibly two months, all of those who have conferred with the Department here were invited to visit officials at any time so that the Department may keep abreast of developments.

750 Reservations For ITOA Outing

Total of 750 reservations has been made by exhibitors, film men and others for the annual I. T. O. A. outing next Thursday at Indian Point.

Transportation will be on the *Alexander Hamilton,* leaving from the West 42nd St. pier at 9:45 A. M., returning to the city about 10:30 P. M. Luncheon and dinner will be served on board.

The day will be taken up by various events, including a baseball game with the Motion Picture Associates. Prizes have been donated by National Theatre Supply, Altec, Nat Lewis, General Electric, National Screen and others.

David Weinstock is general chairman, assisted by Lionel Toll. Gilbert Josephson is in charge of sports events. The committee also includes John Manheimer, Bernie Brooks, Frances Bregman and Otto Lederer.

July-August Biggest Para. Output Period

The most crowded July-August period in the history of Paramount, with eleven productions before the cameras and seven starting during the next four weeks, was announced yesterday by William Le Baron, managing director of production.

'Dictator' Starts Monday

HOLLYWOOD, July 20.—Charlie Chaplin's new production, "The Great Dictator," is scheduled to go into production on Monday. Chaplin is completing the script. Two sets are ready for the cameras. Paulette Goddard and Henry Daniell have the leading roles opposite Chaplin in the picture.

'Hardy' Pulls $32,400 at 2 L. A. Houses

Los Angeles, July 20. — "Andy Hardy Gets Spring Fever" and "Bridal Suite" grossed $32,400 at two houses, $15,500 at the Chinese and $16,900 at Loew's State. "Man About Town" was strong with $22,000 at the Paramount, and "Goodbye, Mr. Chips" drew $5,600 in its ninth week at the 4 Star.

Estimated takings for the week ending July 19:

"Andy Hardy Gets Spring Fever" (20th-Fox)
"Bridal Suite" (M-G-M)
CHINESE — (2,500) (30c-$1.00) 8 days. Gross: $15,500. (Average, $12,500)
"Good-bye, Mr. Chips" (M-G-M)
4 STAR—(900) (40c-50c) 7 days, 9th week. Gross: $5,600. (Average, $3,250)
"Career" (RKO)
"Ex-Champ" (Univ.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $4,500. (Average, $6,500)
"Andy Hardy Gets Spring Fever" (20th-Fox)
"Bridal Suite" (MGM)
LOEW'S STATE—(2,500) (30c-$1.00) 8 days. Gross: $16,900. (Average, $14,000)
"Career" (RKO)
"Ex-Champ" (Univ.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $4,600. (Average, $7,000)
"Man About Town" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: "Rochester" and an F. & M. revue. Gross: $22,000. (Average, $18,000)
"Hell's Kitchen" (W. B.)
"Naughty But Nice" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days. Gross: $12,000. (Average, $14,000)
"Hell's Kitchen" (W. B.)
"Naughty But Nice" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days. Gross: $12,600. (Average, $12,000)

'Time' Gets $7,000 In Buffalo's Slump

Buffalo, July 20.—"On Borrowed Time" took the top spot here in a typically dull summer week, with $7,000 at the Great Lakes. "Daughters Courageous" took $10,200 at the Buffalo. Baseball and heat provided competition.

Estimated takings for the week ending July 15:

"Daughters Courageous" (W. B.)
BUFFALO — (3,000) (30c-55c) 7 days. Gross: $10,200. (Average, $12,000)
"On Borrowed Time" (M-G-M)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $7,000. (Average, $7,500)
"Susannah of the Mounties" (20th-Fox)
"Mr. Moto Takes a Vacation" (20th-Fox)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $5,100. (Average, $6,800)
"Grand Jury Secrets" (Para.)
"Unmarried" (Para.)
CENTURY—(3,000) (25c) 7 days. Gross: $3,300. (Average, $6,000)
"Code of the Streets" (Univ.)
"The Zero Hour" (Rep.)
LAFAYETTE — (3,300) (25c) 7 days. Gross: $5,100. (Average, $6,300)

Fox Wins London Fight on Song Title

The Privy Council in England yesterday dismissed the appeal of Francis Day & Hunter, Ltd., in an action against 20th Century-Fox arising out of the use of the title, "The Man Who Broke the Bank at Monte Carlo," according to information received at the 20th Century-Fox home office yesterday.

The English company, owner of the song of the same title as the film, had brought an action for infringement and unfair competition in Canada.

Theatre, Personnel Notes

Pittsburgh Changes

Pittsburgh, July 20.—Jules Green has resigned as manager of Warners' Hollywood theatre, to go to Hollywood. Staff changes have sent Ernest Lieberman from the Plaza to the Hollywood, Jack McHugh from the Regal to the Plaza, and promoted Ed Solomon, formerly assistant manager of the Arsenal, to the top position at the Regal. John Finnegan, assistant manager at the Paramount in Braddock, a Shapero-Fineman theatre, has been advanced to manager of the Grand in Hazelwood, operated by the same firm.

Ferndon Resumes Post

Cincinnati, July 20.—Roy Ferndon, manager of the RKO Grand, which has closed, and will be razed for construction of a new theatre building, will return to his previous post as manager of the RKO Family. He replaces Eugene Work, who assumes his former position as chief of staff.

Theatre Air-Conditioned

San Benito, Texas, July 20.—E. F. Brady has air-conditioned the Rivoli here at a cost of $10,000.

Build at Newport, Ky.

Cincinnati, July 20.—A new 468-seat theatre, to be known as the State, will be built at Newport, Ky., immediately across the river from here, by the Monmouth Co. It has been leased for 30 years by Willis Vance, who operates several other houses here and in Kentucky, including the recently completed Ohio in suburban Norwood.

Remodel Exchange

Pittsburgh, July 20.—The Paramount exchange is being remodeled, redecorated, and air-conditioned, under the direction of manager David Kimmelman.

Reopen Columbus House

Columbus, O., July 20.—The Picadilly, neighborhood house, closed for extensive remodeling, has been reopened as the Olentangy by Virgil A. Jackson and John Murphy, who also operate the Uptown, Wilmar and Goodale here.

House for Victoria, Texas

Victoria, Texas, July 20.—With the site already selected, a third theatre will be constructed here, to seat 1,200, by the Griffith-Long interests. This circuit owns the Queen and the Rita here, also.

Twigg Quits RKO Branch

Pittsburgh, July 20. — William Twigg has resigned as assistant booker at the RKO exchange, and returned to his home in Cleveland.

Milwaukee Facing Ban on All Games

Milwaukee, July 20. — As a result of Circuit Judge Gustave G. Gehrz's decision holding Bingo to be gambling, and the subsequent closing of four such games at the Midsummer Festival here, indications are that the game will be outlawed in Milwaukee County regardless of sponsorship.

Heretofore such games operated under auspices of charitable, educational, religious and fraternal organizations have been immune to prosecution. It was pointed out that a city sponsored enterprise, such as the Festival, which closes July 22, should logically be considered in the same category.

Judge Gehrz in his ruling held that the definition of gambling in the state law and recent Supreme Court decisions in the case of Judge Robert S. Cowie, La Crosse, are ample to cover the games challenged in the action here as gambling.

The injunction in the local action was granted Herman J. Eggert, south side retail merchant, and included, besides Bingo, an air rifle shooting gallery, a dart throwing game and a penny pitching game.

The injunction is a victory for Milwaukee County exhibitors who have been faced by competition from Bingo games staged by fraternal and religious organizations for the past several years.

'Mother' Force Out

S. Barret McCormick, director of advertising and publicity for RKO, has sent out a field force to cooperate with exhibitors in the exploitation of prerelease key city engagements on "Bachelor Mother." Charles Levy of the home office is handling the field assignments.

200 Newlyweds See 'Chips' at Montreal

Montreal, July 20.—M-G-M and Consolidated Theatres tonight had as their guests at the Canadian premiere of "Goodbye, Mr. Chips" at Loew's, 100 couples, members of the Young Catholic movement, who will participate in a mass marriage Saturday.

Rival Circuits Book Same Two Pictures

Samuel Goldwyn's "Wuthering Heights" and Alexander Korda's "Four Feathers" have been booked by the Gaumont-British and Odeon Circuit for simultaneous runs in the 500 theatres of the two important British circuits, it was announced yesterday.

The deal is the first of its kind ever entered into by the two rival theatre organizations which ordinarily insist on exclusive bookings for their houses through the so-called "barring clause" which they insist upon in their contracts.

Where one circuit has a first run and another a subsequent in the same situation the pictures will play in regular order, but where both have first runs they will play simultaneously, according to Arthur Kelly, United Artists foreign manager. Kelly estimated that the gross for each picture in Great Britain would be "close to the $1,500,000" mark.

Huxley Film to World

World Pictures Corp. has acquired the distribution rights to the Julian Huxley film, "Monkey Into Man."

Theatre Work of $11,638,000 For Six Months

Contracts for new buildings or alterations in the theatre field for the first six months of 1939, in the 37 states east of the Rocky Mountains, had a total valuation of $11,638,000, according to the Dodge Reports summary issued by F. W. Dodge Corp.

The total for the six months ended last month was divided among 502 projects, which included 1,437,000 square feet of floor space.

The contract valuation for similar work for the first six months of 1938 amounted to $12,086,000. This was divided among a smaller number of projects, 410, but over a larger floor area, 1,576,000 feet.

The Dodge Report indicates that theatre work in the six months of 1939 did not follow the general trend of non-residential building. An average of all types within this classification developed a gain of 19 per cent throughout the 37 states included in the report.

Britain Joins Film Festival at Venice

London, July 20.—Despite the refusal of American interests to support the 1939 Venice Film Festival, British producers have decided to participate.

The newly organized production group was divided on the move, with major producers opposed, but the majority of others voted for the move, to take advantage of the opportunity of exploiting the Italian market, now without important American product.

The treatment of British product at the Venice Festival last year provoked protests, with many threats at the time not to enter the Italian market again.

American companies plan to participate in the French film exposition, which is scheduled for Cannes in September.

Rentals Escape Tax Pending Ohio Case

Columbus, July 20. — Until the court renders a decision in the suits of Thomas V. Bostwick, seeking to enforce collection of unpaid sales tax on film rentals, the State Tax Department will not deviate from its ruling that rentals are not subject to taxation, Attorney General Thomas J. Herbert declared.

William Evatt, recently appointed head of the new State Tax Board, holds that film rentals should be included in the sales tax classification. He advances the opinion that the Tax Commission, abolished some time ago in favor of the present setup, exceeded its authority in the exemption ruling.

Evatt's position in the matter is primarily responsible for the industry taking over the defense in the two suits now pending.

Police Honor Cagney

James Cagney has been awarded the annual Crime Prevention Award in a vote of 5,000 police chiefs in the country. by the publication, *Police Call,* for making the gangster a "loathesome character" in his screen portrayals.

"Important"

▪ ▪ ▪ "MOTION PICTURE HERALD IS AS IMPORTANT TO A THEATRE OWNER AS A SPARE TIRE TO A TOURIST. A GOOD PUBLICATION—WELL WORTH YOUR PRICE INCREASE" ▪ ▪ ▪ ▪

O. J. BARRE

EDGAR THEATRE
EDGAR, LOUISIANA

MOTION PICTURE HERALD, $5.00 *a year Domestic,* $10.00 *Foreign; 52 issues with which is combined* BETTER THEATRES, *13 issues yearly.*

MOTION PICTURE HERALD

ROCKEFELLER CENTER NEW YORK

'Andy Hardy' Denver Lead With $8,200

DENVER, July 20.—"Andy Hardy Gets Spring Fever" and "Panama Lady" were big in the last four days of last week at the Orpheum, with $8,200, and was held. "Man About Town" took $6,500 in the second week at the Denham.

Total first run business was $34,950. Average is $32,750.

Estimated takings for the week ending July 19:

"The Mikado" (Univ.)
ALADDIN—(1,400) (25c-35c-40c) 7 days, 2nd week. Gross: $3,000. (Average, $3,500)
"Man About Town" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days, 2nd week. Gross: $6,500. Average, $6,500)
"Good Girls Go to Paris" (Col.)
DENVER—(2,525) (25c-35c-40c) 7 days. Stage show. Gross: $9,000. (Average, $9,000)
"Goodbye, Mr. Chips" (M-G-M)
"Career" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 3 days. "Goodbye, Mr. Chips" 2nd week. Gross: $3,200. Average for week, $8,500)
"Andy Hardy Gets Spring Fever" (M-G-M)
"Panama Lady" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 4 days. Gross: $8,200. (Average for week, $8,500)
"Boy Friend" (20th-Fox)
"Charlie Chan in Reno" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $3,500. (Average, $3,500)
"Young Mr. Lincoln" (20th-Fox)
"They Asked for It" (Univ.)
RIALTO—(878) (25c-40c) 7 days. "Young Mr. Lincoln" 3rd week. Gross: $1,750. (Average, $1,750)

WNEW to Increase Time Rates Sept. 15

WNEW yesterday increased its time rates by approximately 20 per cent. The new schedule, effective September 15, is the first revision of WNEW basic rates in two years.

Miss Bernice Judis, general manager of the station, gave as reasons for the higher schedule increases in the WNEW primary service area and extension of the secondary area through recent power increases authorized by the F.C.C. The new increase, she said, was adopted not only because of the power increase but also because of the growing listener-acceptance of WNEW, citing the recent Clark-Hooper survey, which placed WNEW in first position over other non-network stations.

Trial of Plagiarism Suit Set for Nov. 6

Federal Judge John C. Knox yesterday set down for trial on November 6 the plagiarism suit of Mort Eisman, Clara Dellar, and Robert Louis Shayon against Samuel Goldwyn, Inc., Eddie Cantor, and United Artists Corp. Suit for $1,000,000 damages claimed plagiarism of the play, "Oh, Shah," in the film, "Roman Scandals." The U. S. Circuit Court recently reversed a dismissal of the suit and ordered a new trial.

Two Companies Formed

DOVER, Del., July 20.—Fox Springfield Theatre Corp. and Nebraska Orpheum Theatre Corp. have been chartered here. Fox Springfield listed capital of $1,000 to deal in motion picture equipments and films. Nebraska Orpheum listed capital of $10,000 to engage in the business of theatrical proprietors.

BANNER RADIO LINES

By JACK BANNER

THORGERSEN SIGNED FOR AIR . . . Ed Thorgersen, sports commentator for Fox Movietone newsreel, has been signed by Bayuk Cigar Co. for a Fall series of sports resumes and commentaries. Show starts Sept. 30 from 5:45 to 6 P. M., and Saturdays thereafter at that time. A 19-station network will carry the program.

▼

CHANGE IN "INFO PLEASE" . . . Recently NBC adopted a new policy permitting the playing of transcriptions over its Pacific network. First sponsor to take advantage of the new policy is Canada Dry, sponsoring "Information Please." The 11 coast stations now carrying the series will be reduced to seven August 15, and these will carry transcribed versions of the program. The move not only saves money for the sponsor, but because of transcription, the show can now be spotted at a good hour for western listeners. Until now, with the difference in time between the East and West, the program was heard on the coast at 4:30 in the afternoon, a poor listening time.

▼

JOLSON AUDITION FAILS . . . The audition which Al Jolson made last week for the American Tobacco Co. failed to make the grade with George Washington Hill, consequently the Hit Parade will be continued, doubtlessly with Mark Warnow as the bandleader.

▼

TELEVISION . . . The parade of feature length films for televising continues with the addition yesterday to the NBC schedule of "Mlle. Mozart," a Danielle Darrieux picture leased from the French Picture Corp., and "Grand Illusion," made by the World Picture Corp. Both films will be presented over the air in August. The additions make a total of 18 films obtained within recent weeks by NBC"s television department . . . an impressive total when one considers the obstacles in television's path.

Tonight Sir Hubert Wilkins, Wilhjalmur Stefansson and other Arctic explorers will face the television camera to tell of their experiences in frigid Antarctica. The explorers should present a pretty picture to the television audience as they mop their brows while talking about icebergs, for a television studio is the hottest place next to a furnace.

▼

TED STEELE, in the NBC electrical transcription department, will be presented over the network tomorrow in the first complete broadcast featuring a Hammond Novachord. When it was decided by NBC's program department to program an entire Novachord broadcast, a company official phoned the Hammond Co. and asked the name of the best living Novachord player.

"The best Novachord player we know of," replied the Novachord Co., "is Ted Steele, and he works at NBC."

▼

FORGETS LINES . . . For the past few months, participants in the "People's Platform" programs on CBS, no matter how well they might know each other, are provided with slips of paper on which appear the names of the others on the program. The precautionary measure originates from the time that Melvyn Douglas, Walter Wanger, and other Hollywoodians appeared in the "People's Platform" forum about motion pictures. Throughout the program, Douglas kept forgetting the name of Dr. Lyman Bryson, who conducts the forums . . . embarrasing when one considers that the program strives to give the effect of old friends gathered about the dining table, informally discussing topical subjects.

▼

ABOUT SURVEYS . . . If proof is need to show the fallacy of most audience surveys, consider the most recent report which discloses that Bob Crosby, with only four broadcast chalked up for Camel cigarettes, has a rating that tops the programs conducted by Guy Lombardo, Paul Whiteman, Fred Waring and Hal Kemp. It simply doesn't make sense.

▼

PERSONALS . . . Joy Hathaway, capable actress wife of Charles Kenny, brother of Nick of the *Daily Mirror*, has been signed for the principal feminine lead in Jay Victor's fantasy, "Tomorrow's a Woman," opening in Spring Lake in August. Jerry Danzig, of Mutual's special events staff, is producer of the play. . . . Al Schneider of the CBS Artists Bureau, flew to Hollywood yesterday to join Orson Welles and conduct Bureau business in the film city. . . . Campbell Ritchie, of CKLW, and Mrs. Ritchie, leave New York today to return to Ontario, after a week here.

▼

MUSICIANS' UNION LETS DOWN BARS. . . Local 802 has relaxed the ban against broadcasting of musical programs from the World's Fair and will now allow the bands employed by the Fair, Joseph Littau's and B. A. Rolfe's, to broadcast over the networks, providing they are used within the time limit of their engagements for the Fair. CBS used one of the bands last week, Mutual will make use of one next week, and NBC is also planning some musical programs from the Flushing grounds.

▼

GEORGE JESSEL was signed yesterday for 26 additional weeks on the Vitalis program. The series is broadcast on NBC.

New Serial on Monday

"Harvey & Dell," a new serial of the family type, will start over NBC's Blue network on Monday on a daily schedule, 8:45 to 9 P.M., fed from WBZ, in Boston.

NBC Promotes Saudek

Robert Saudek, of NBC, was named yesterday to serve as assistant to Keith Kiggins, the newly appointed director of the Blue network, which is now being pushed heavily by NBC.

Smart Photographer

Photographers are certainly an ingenious lot.

Last night at the Strand theatre, a cameraman, commissioned to take a picture of the crowd expected for the preview showing of "Each Dawn I Die," stood in front of the theatre waiting. But there was no crowd. He was on the job too early.

Being an enterprising chap, he conceived a splendid idea. He sent his assistant down the street and had him whisper to passersby:

"George Raft is expected to come out of the Strand any minute now."

In a few minutes thousands were milling around the Strand's entrance. The photographer got a swell crowd shot.

Paramount Oshawa Reorganization Ok'd

TORONTO, July 20.—Permission has been granted under the Companies Act for a reorganization of the capital structure of Paramount Oshawa Theatres Limited, a unit of the Famous Players Canadian Corp. operating the Regent Theatre at Oshawa, Ont. The plan effected provides for the redemption of 1,250 shares of 7 per cent preferred stock by cash payment and the cancellation of 750 unissued 7 per cent preferred shares. In their stead a new issue is created of 625 5 per cent cumulative redeemable preference shares at $100 par value, the total capitalization to be $72,500.

B-K, Majors Accused By Illinois Exhibitor

CHICAGO, July 20.—Depositions in the suit of Frank Ford, Evanston exhibitor, against Balaban and Katz and major companies will be taken next Thursday. All Chicago branch managers will be called along with Elmer Upton, B. & K. comptroller, and Mr. Myers who operates an opposition house to Ford's Stadium Theatre. Ford's suit charges monopoly, restraint of trade, etc., being similar to the Independents' suit here.

Judell Gets Junior Cowboy

HOLLYWOOD, July 20.—Ben Judell today signed Bobby Clark, world's champion junior cowboy, to star in a series of eight western melodramas to be made by Judell's Producers Pictures Corp. The 13-year-old boy starts work on his first film Aug. 14.

Censors Reverse Selves

TORONTO, July 20.—On an appeal by H. J. Allen of Grand National Films Limited, the Board of Moving Picture Censors for Nova Scotia has reversed its decision on the new version of "Damaged Goods," released in Canada by the company. However, no person under 16 must be admitted to performances in Nova Scotia.

Globe Trotters on Air

A trio of fellow globe trotters, Col. Theodore Roosevelt, Sir Hubert Wilkins and Dr. Roy Chapman Andrews will substitute for Lowell Thomas on his daily network newscasts beginning Monday, while Thomas goes on vacation for one week.

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 15 NEW YORK, MONDAY, JULY 24, 1939 TEN CENTS

Studios' AFL Unions Unite To Battle CIO

Meeting Set Wednesday For Strong Action

LOS ANGELES, July 23.—Seventeen representatives of locals of nine International labor organizations whose members work in Hollywood studios have decided to establish a united front to resist "to the extreme" efforts of the CIO to organize among production crafts.

The meeting Friday was called by Frank Carothers, secretary of the Motion Picture International Committee on studio labor basic agreement.

Primarily discussed was the creation of the United Studio Technicians Guild which is admittedly supported by CIO funds, and which has filed a petition with the National Labor Relations Board for certification as the bargaining agent for crafts now held by I.A.T.S.E.

A statement issued by Carothers said that the 17 representatives decided to create a formidable front to combat organizations, not members of the American Federation of Labor, seeking to enter the film industry.

Representing approximately 15,000 studio workers, conferees were: Al

(*Continued on page 9*)

FBI Probe on Fox Corp. Receivership

The Federal Bureau of Investigation is investigating the Fox Theatres Corp. receivership, Jerome Doyle, assistant U. S. attorney general, told Federal Judge John C. Knox Friday. Judge Knox denied a motion made by Gustavus A. Rogers, chairman of a stockholders' committee, and Trust Co. of Georgia, a creditor, for removal of Trustees Milton C. Weisman and Kenneth Stenreich or a stay of further proceedings pending a referee's report, on the ground time for appeal from the order appointing these trustees had expired.

The court declared, however, that if the F.B.I. came forward with evidence of misfeasance he would reopen the question of removal.

N. Y. Supreme Court Justice Timothy A. Leary Saturday extended the time of Weisman and Stenreich to submit a plan for operation and liquidation of the Fox Theatres estate until Aug. 25. Justice Leary directed that a budget showing receipts and expenditures until the end of the year be submitted.

Mexico Plans to Drop Duty on Film Imports

Mexico City, July 23.—Assurances have been given by the Ministry of Finance that it is drafting a measure to allow duty-free imports of 35mm. film. Action on the measure is expected next month.

AFL Council to Air AFA Controversy

The American Federation of Labor has requested Associated Actors and Artistes of America to file an answer to charges filed against it by American Federation of Actors. The A.F. of L. executive council will consider these charges, as well as the suspension of the A.F.A. by the 4-A, at a meeting on Aug. 7.

Action by William Green, A.F. of L. president, was revealed Friday at a hearing on an application for a temporary injunction in the N. Y. Supreme Court.

Justice Edward J. McGoldrick reserved decision on the application by the A.F.A. against the 4-A, American Guild of Variety Artists and other 4-A unions. He did not grant the A.F.A. request for a temporary stay pending his decision.

Principal question argued during a one-hour hearing was whether the court had jurisdiction to issue an injunction. Actual merits of the case were not discussed.

Henry Jaffe and Justus Sheffield, at-

(*Continued on page 9*)

U. S. Seeks Nov. 1 As Date To Start Trust Suit Trial; House Has Neely Bill Key

Action by Next Congress Likely; Verdict of N. Y. Trial Anticipated

WASHINGTON, July 23.—A majority of the members of the House of Representatives are agreed that something should be done to quiet complaints of monopolistic practices in the motion picture industry, it was indicated today by a poll taken by MOTION PICTURE DAILY.

However, it was indicated, there is a decided difference of opinion as to whether the best approach to a solution of the problem is through the Neely bill passed by the Senate July 17, or enforcement of the anti-trust statutes.

If the Neely bill were brought up on the floor of the House today, it would probably receive enough votes to insure its passage. But there will probably be no action on the measure until next session and by the time it is taken up for consideration it is possible that a decision will have been rendered in the Government's New York suit.

Control of legislation is more securely in the hands of leaders in the House than in the Senate. This was evidenced during the current session, when Representative Clarence F. Lea

(*Continued on page 3*)

Majors to Fight Appeal For Preference; Knox Acts Tomorrow

Government tomorrow will ask Federal Judge John C. Knox to set Nov. 1 as the date of trial for the anti-trust suit against the majors. Motion for a preference was filed Friday and will be opposed by the defendants.

Paul Williams, special assistant attorney general in charge of the case, will base his plea for a preference on the ground that the case is of great public interest and that anti-trust suits are entitled to early trials.

In his affidavit, Williams declared that the film industry "has become one of great importance not only because of the large amounts invested therein, and the large number of individuals who are now engaged in the industry, but also because of the tremendous influence that is exerted by motion pictures over the social, cultural and educational advancement of the people.

"It is respectfully submitted that this action, brought for the purpose of presenting alleged violations of the Sherman anti-trust act, is one of general public interest," the affidavit says. "Furthermore, it is desirable not only to the public but to the industry, as well, that the alleged violations be judicially passed upon and the issues determined at the earliest practicable date."

Williams also pointed out that Sec-

(*Continued on page 9*)

"The Four Feathers"

[*Korda—United Artists*]

The broad expanse of the Egyptian Sudan forms the sweeping background for Alexander Korda's "The Four Feathers," an exciting and dramatic adventure centering about General Kitchener's spectacular capture of Khartoum. In color, the film pulsates with power and punch, has been built on spectacular lines, and offers additionally, those elements of sacrifice and valorous deed which permit the showman to guarantee to his patronage splendid entertainment.

The magnificent sweeping scenes of battle on the Sudan carry a sharp impression of reality, as indeed they should, since cameras crews used North Africa itself as the scene of operations.

Zoltan Korda directed with a sure grasp of the diverse elements and the large masses at his command. R. C. Sherriff adapted the novel of A. E. W. Mason to the screen with skill. Irving Asher served as associate producer.

The film reaches its highest pitch of excitement and spectacle in the battle between Kitchener's army and the hordes of Dervishes, who sweep

(*Continued on page 3*)

Warners Reports $2,912,186 Profit

Net operating profit of $2,912,186 for 39 weeks ending May 27 was reported by Warner and subsidiaries, after deducting all charges including amortization, depreciation and Federal income taxes. Figure for corresponding period last year was $3,282,765.

Gross income for the period, after eliminating intercompany transactions was $78,387,001 as compared with $79,475,899 the previous year. Net profit before deductions was $8,137,766. During the period, a credit of $324,858 was made to earned surplus. Earnings are equivalent to $28.24 per share on 103,107 preferred shares and 70 cents per share on 3,701,090 common.

Purely Personal

SAMUEL GOLDWYN arrives today to be present tomorrow night at the benefit premiere of "They Shall Have Music," featuring JASCHA HEIFETZ, famous violinist, at the Rivoli.

•

HERBERT YATES and GENE AUTRY sail for Europe Wednesday.

•

DR. ALLAN ROY DAFOE will be guest of honor at a press cocktail to be given Tuesday at 3:30 P.M. in connection with the forthcoming opening of the latest Quintuplet film, "Five Times Five," at the Music Hall.

•

DOUGLAS FAIRBANKS, JR., with his recent bride, the former MARY LEE EPLING HARTFORD, left Friday for a vacation in Hot Springs, Va. He starts "South of the Amazon" for Universal Aug. 7.

•

EDWARD M. FAY of Providence and MARTIN TOOHEY of Pawtucket are on the committee booking entertainment for the EDDIE HEALY memorial show in Providence, July 31.

•

HARRY S. PERRY, cameraman for Selznick International and GRETA NISSEN, actress, were among the passengers on the *Ile de France*, which sailed for Europe on Saturday.

•

RUTH CHATTERTON opens today as guest star at the Matunuck, R. I., summer theatre in "You Can't Eat Goldfish," a new comedy getting its pre-Broadway tryout.

•

H. M. ADDISON is substituting for ED MCBRIDE while the latter is on vacation from his post as manager of Loew's State, Providence.

•

MARY ROGERS, daughter of the late WILL ROGERS, has arrived in New York from Virginia to join her mother, MRS. BETTY ROGERS.

•

EDWARD G. ROBINSON, Warner star, arrived Friday. He is on a vacation trip and will sail Tuesday, Aug. 1, for England and France.

•

BEULAH BONDI has been signed by Paramount for a role in "Remember the Night" which starts production Thursday.

All Games Dropped By Rochester Allied

ROCHESTER, N. Y., July 23.—The Rochester Allied unit has adopted a resolution agreeing to discontinue all games, premiums and giveaways. A $1,000 bond to fulfill this agreement will be put up by each independent theatre owner. The following committee was appointed to seek similar pledges from Schine Enterprise theatres, RKO and Loew's, Inc., houses: Max Fogel, William Tishkoff and Howard Carroll.

Uphold Suit's Dismissal

U. S. Circuit Court of Appeals on Friday upheld the dismissal of the plagiarism suit brought by Albert Bein against Warner Bros. Pictures, Inc., in which defendant was charged with infringing upon the plaintiff's novel, "Youth in Hell," in the picture, "Mayor of Hell."

Insider's Outlook

By SAM SHAIN

SUCCESSFUL operation of a theatre circuit is greatly a matter of man-power, and we don't mean just the "top-man" power. Loew's particularly recognizes the efforts of its assistant theatre managers—that group of young fellows just developing their showmanship. C. C. Moskowitz, in charge of the Loew New York circuit and J. R. Vogel, chief of out-of-town houses, have made it a policy to watch and help in the development of these lads. At Loew's virtually all managerships are filled from the ranks of assistants.

The young assistant of today is the showman of tomorrow, as Oscar Doob says, and in the New York area, meetings of assistant managers of the Loew's circuit in each zone are held weekly and presided over by a member of the advertising department. These meetings are, in a way, schools of showmanship, in which exploitation and ticket-selling are taught and developed.

LYNN FARNOL has completed one year as head of the United Artists advertising and publicity department. His salary increases for the second year.

PARAMOUNT'S net earnings for the second quarter will run to about $1,000,000.

ARMANDO, famous theatrical advertising artist (Buchanan & Co.) is another of our yacht-owning friends. Armando has a beautiful boat, "The Whippet," on which he has spent many thousand dollars in the last two years in decorating. He is probably the only commercial artist to own a yacht of its size—72 feet.

"EVERYBODY drives a car in Hollywood," Gummo Marx writes again. "Even the pedestrians," he says, "drive small cars on the sidewalks. There is no such things as pedestrians, as we know them in the east. In Hollywood, pedestrians are people who have cars that cost less than $750."

"ON Borrowed Time" might be classed as a highbrow picture, but Oscar Doob's Loew's exploiteers are shooting at the film from a curiosity-arousing angle. Those apple trees in the lobbies, bearing real apples, are causing quite a bit of comment. In other theatres, Doob has his boys setting up surrealistic displays to highlight the humorous angles of the picture. But Doob almost turned gray when one of the house managers suggested dressing up a ballyhoo man as "The Grim Reaper"—scythe and all! Oscar, however, decided that death must take a holiday—but definitely—this one time anyway, and the idea was turned down.

THE little girl who will be seen in "The Bo Tree" by Frank Gabrielson to be produced at the Red Barn Theatre, Locust Valley, July 31, is Doris Fisher, who is the 10-year-old daughter of Leah Klar Fisher, former secretary of the late S. L. Rothafel (Roxy). Doris already is quite a theatre veteran. She has appeared in "Virginia" at the Center Theatre, has also done radio work and some modeling.

E. H. MAYER of Cincinnati, writes that the height of something or other was reached there when two young women, purchasing tickets at one of the downtown first run houses, inquired in all seriousness of the cashier, whether the theatre "could provide two nice boys to sit with us during the show." The cashier smiled in eloquent silence.

JOHN DACEY, short subjects specialist for the RKO New York exchange, has inaugurated a system of special weekly screenings on Tuesdays from two to four o'clock for exhibitors.

THE conservative old Hartford *Courant* now has a daily motion picture column written by Mrs. A. Oakley Christoph. One by one the old-line newspapers are finding daily motion picture news an important part of their work. Incidentally, Mrs. Christoph leaves soon for a European vacation.

MILDRED SEYDELL who writes about films for the Atlanta *Georgian* is in town at the Warwick. If you must know, she is going to Europe soon, too.

SPEAKING of picture columnists, there is a young fellow down in Harrisburg, Pa., on the *Telegraph* who's doing a fine job. He is Paul Walker, whose column sparkles with light, bright stuff. Walker has a reputation for bringing in his own stuff and not waiting for press agents to carry it to him, and is quite original with his gags and general items.

Labor All Day To Give Code Final Touches

Major company sales executives and attorneys worked all day Friday adding finishing touches on the industry trade practice code and discussing procedures for putting the pact into effect.

The announced objective in advance of the meeting was to complete all revisions and agree on an effective date on Friday. However, at the close of the meeting William F. Rodgers, chairman, declined to make any statement whatever on the day's accomplishments, as a result of which it was generally assumed that some work on the code remains to be done, possibly requiring additional meetings. Rodgers conferred over the weekend with other members of the distributors' negotiating committee.

Ed Kuykendall, M.P.T.O.A. president, returned to New York from Washington late Friday for further conferences with Rodgers today on changes in the code which the M. P. T. O. A. is seeking and for information concerning the effective date of the pact. He leaves New York tomorrow for his Columbus, Miss., home.

Casler Succumbs; Biograph Inventor

CANASTOTA, N. Y., July 23.—Herman Casler, inventor of the "biograph," forerunner of modern film projector, is dead at the age of 72. Casler's invention was shown at the old Hammerstein vaudeville house in New York City on Oct. 11, 1896, and was followed by the formation of the American Mutoscope & Biograph Co.

Four Companies Formed

ALBANY, July 23.—Four new companies formed here include: Argus Pictures, Inc., by Ellis R. Smith, Samuel Sherlip and Edward Meredith; Maymon Film, Inc., by Henry Ziskin, A. Bordofsky and Frances Goldberg; Arthur Ziehm, Inc., by Arthur Ziehm, Samuel L. Forst and Rose Lippman, and John Henry Productions, by Joseph W. Alexander, M. C. Monahan and K. G. Devine.

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House Holds Key to Fate Of Neely Bill

(Continued from page 1)

of California, chairman of the Interstate and Foreign Commerce Committee, successfuly repelled efforts to force action on the block booking legislation sponsored by Representatives Andrew Edmiston of West Virginia and Francis D. Culkin of New York.

Whether any action is taken on the bill next session will depend upon Representative Lea and his supporters on the committee, which now is in charge of the Neely bill.

The California Congressman this year said he would not take action on the bill without hearings and that the committee had too much more urgent legislation to handle to permit the holding of a lengthy investigation of the film industry's troubles.

Petition Could Force Bill Out

The suggestion has been heard that if the bill is not brought up for consideration it may be forced out of committee by petition. Such a step is resorted to only occasionally, when a committee deliberately attempts to hold back legislation in which a large number of members are interested.

Such a move would not avail at the present time, since the few remaining days of the session would not permit the holding of hearings. In other words, the charge that the committee has put the bill on ice would not stand up, and, in fact, there is no disposition on the part of House sponsors of the measure to make such a drastic move.

Quick Way of Killing Bill

As a matter of fact, it is said in some quarters, an attempt to get the bill up, this session or next, might well prove a quick way of killing it. There are, it is admitted, a large number of Congressmen who would vote for block booking legislation because of pressure from "back home" but who are not convinced that it is desirable.

These men, it is represented, would not sign a petition and, since 218 signatures are necessary to make a petition effective, such a move would probably fail.

House Has Three Groups

Members who were willing to discuss the situation informally pointed out that the House is divided into three general groups—men who believe that whatever is wrong with the film industry can and should be ironed out within the industry itself; those who believe there is a situation which should be dealt with by the Department of Justice, with Congressional action only in the event the department cannot secure needed reforms, and those who believe block booking should be banned by law and the selection of pictures made by the exhibitors themselves, guided by community organizations.

Against the personal views of the first two groups there is a tremendous pressure from constituents who are seeking community control of the theatres, in deference to which many would vote for a bill they did not really approve, particularly in an election year.

"The Four Feathers"

[Korda—United Artists]

(Continued from page 1)

down upon the waiting British. They come in yelling masses, mounted on camels and horses, and afoot, and twice the British soldiers turn the attack.

But behind this spectacle is the dramatization of the story of a man who fights to prove to friends and sweetheart that he is not the coward they believe him to be, and which he believes himself to be.

Heading the cast are Ralph Richardson, John Clements, Jack Allen and Donald Grey, four young officers; C. Aubrey Smith, Grey's father and a retired veteran; June Duprez, as his daughter, engaged to marry Clements, and loved by Richardson.

As the four officers are ordered to Egyptian service, Clements, afraid to face danger, resigns his commission, receives three white feathers from his three friends and plucks another from the white plume of Miss Duprez, when she fails to understand. Then, to prove himself a man, he goes to Egypt, permits himself to be branded as a native mute, and seeks Kitchener's army.

Meanwhile, Richardson, leading a decoy company, goes blind when he suffers sunstroke, and when his men are slaughtered, with Allen and Grey taken prisoner, Clements saves his life. Then he seeks out the two prisoners in the stronghold of the Dervishes, organizes a revolt, and at the height of the battle with Kitchener's forces, captures the arsenal and aids the rout of the natives. Thus are the three feathers paid off, and the last likewise, as Miss Duprez and he resume their romance, and the blind Richardson pays his debt by stepping out of the way.

Here is a showman's picture, studded with action, spectacle and drama, which should write its own ticket at the box-office.

Running time, 115 minutes. "G."* CHARLES S. AARONSON

"G" denotes general classification.

TMAT Case Delay Denied to Circuit

State Labor Relations Board on Friday adjourned until tomorrow at 2 P. M. a formal hearing on the petition for certification of Theatrical Managers, Agents and Treasurers Union in the Rugoff-Becker circuit.

The circuit requested a three-week adjournment, but this was denied and the date set peremptorily against the employer, which means that the hearing must proceed on the date set.

Daniel K. Kornblum, S.L.R.B. executive secretary, declared that about 12 houses were involved and that the union claimed a majority of employes within its jurisdiction.

Best Director Prize At French Festival

WASHINGTON, July 23.—The best director of all countries will receive the Louis Lumiere First International Prize at the French International Film Festival at Cannes in September, D. J. Reagan, U. S. attache at Paris, informed the Department of Commerce yesterday.

First prizes will be given for the best film offered by each country, the best actor and actress, the best scenario and the best musical arrangement. Animated cartoons, scientific and other films also will receive awards.

NLRB Election Held

Paramount warehouse employes designated the Bookkeepers, Stenographers and Accountants Union, A. F. of L., as their collective bargaining agency by a vote of 12 to 6 at an election held by the National Labor Relations Board Friday.

Judell Announces Distributing Setup

LOS ANGELES, July 23.—Ben N. Judell, president of Producers Pictures Corporation, yesterday announced the formation of Producers Distributing Corporation to handle PPC product through franchised exchanges throughout the country.

"Wanted for Murder" will be the first picture of the new company and will be released Sept. 15 with other features to follow at weekly intervals.

Harry Rathner, Eastern representative of PPC, will function also as Eastern district manager of PDC, and Abe Fisher, former sales chief of Gaumont British in the Middle West, will be general manager of Judell's exchanges in Chicago and Middle West as well as district manager for PDC in Chicago, St. Louis, Kansas City, Milwaukee, Minneapolis, Detroit, Omaha, Cleveland, Des Moines, Cincinnati and Indianapolis.

Judell will soon issue a formal announcement outlining the product to be distributed by PDC for the 1939-40 season.

Warners Far Ahead Of Production Dates

With over a month to go before the 1939-40 season officially starts, Warner Bros. are currently far ahead of production schedule with nine new season features completed and ready, seven before the cameras, and nine in preparation for early shooting. Never before in the history of the company have the Warner Burbank studios been so far in advance of production.

Consolidated Films Report $356,117 Net

Consolidated Film Industries, Inc., and subsidiaries report consolidated net earnings for the six months ended June 30, 1939, of $356,117, after deducting depreciation and normal taxes but before provision for Federal surtax on undistributed profits.

The net is equal to 89 cents per share on the 400,000 shares of No. 2 preferred stock outstanding. The earnings compare with net profit of $317,442, or 79 cents per share on the same number of preferred shares, for the corresponding period in 1938.

With respect to the company's investment in Republic Pictures, Herbert J. Yates, president of Consolidated, said: "The management feels that the prestige of Republic Pictures with the public, theatre owners and industry in general, both in this country and abroad, has been further enhanced during the first half of 1939 and with the elaborate program now scheduled for the 1939-'40 season embracing several major productions including 'The Hit Parade of 1940,' 'Wagons Westward,' 'Storm Over India' and 'Tillie the Toiler,' believes that marked progress will be made throughout the current season."

Seidelman Returns From Trip Abroad

Joseph H. Seidelman, Universal vice-president and foreign manager, returned to New York on the *Ile de France*, Friday, following a two months' business trip to England and the Continent.

While abroad, Seidelman conducted a sales meeting for the European organization in Paris and another for the company's British representatives at Blackpool, describing Universal's new season production plans to both meetings.

In England Seidelman concluded arrangements with Arthur Dent by which Universal will distribute a selected list of 10 or 12 Associated British Pictures' productions in Australasia. Universal retains a rejection right as part of the deal.

Legion of Decency Approves 6 Films

The National Legion of Decency approved six and condemned one film of the pictures reviewed and classified this week. Of the six approved, three were approved for general patronage and three for adults. Classification of "Bachelor Mother" was changed from general to adult.

The films and their classifications follow: Class A-1, Unobjectionable for General Patronage—"Andy Hardy Gets Spring Fever," "The Cowboy Quarterback" and "Range War." Class A-2, Unobjectionable for Adults—"Indianapolis Speedway," "Way Down South" and "A Woman Is the Judge." Class C, Condemned—"Human Wreckage."

'Waltzes' in Frisco

The French film, "Three Waltzes," produced by Ludwig Berger and released in this country by Vedis Films, Inc., will open July 29 at the Clay in San Francisco.

Large Slump In Admission Tax Collection

WASHINGTON, July 23.—Reversing the normal seasonal trend, federal admission tax collections in June dropped to $1,491,260 from $1,605,988 in May in contrast with 1938 when, in the same month, revenues increased from $1,394,659 to $1,624,453, it was reported yesterday by the Internal Revenue Bureau.

Below the corresponding month of the preceding year, in ten of the twelve months, collections for the fiscal year ended June 30, last, were $1,329,978 under those of the fiscal year 1938, totaling $19,470,801 against $20,800,779, the Bureau announced.

Heaviest losses were suffered during the last months of 1938, it was shown. Receipts for the first six months of the current calendar year, aggregating $9,156,227, were only $190,500 under the $9,346,762 collected in the corresponding period a year ago.

In the third (Broadway) New York district, the Bureau reported, collections dropped from $492,012 in May to $457,258 in June, but were some $33,000 over the $424,171 reported for June, 1938.

The major part of the loss from May to June was in boxoffice collections, which dropped from $425,376 to $393,376, but collection from tickets sold by brokers fell from $15,578 to $12,079; on permanent use or lease of boxes and seats, from $1,857 to nothing, and on admissions to roof gardens and cabarets, from $46,512 to $42,668.

The only gains were on free or reduced rate admissions, from $2,528 to $5,760, and on tickets sold by proprietors in excess of the established price, from $161 to $3,375.

Big Last Week Draw at Cincinnati's Palace

CINCINNATI, July 23.—"Second Fiddle" gave the RKO Palace a smash $13,500, and "Good Girls Go To Paris" had a good $3,100 moveover week at the RKO Grand, the final attraction at that house, which is to be razed.

Estimated takings for the week ending July 18-22:

"Susannah of the Mounties" (20th-Fox)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $8,400. (Average, $12,000)
"Second Fiddle" (20th-Fox)
RKO PALACE—(2,000) (35c-42c) 7 days. Gross: $13,500. (Average, $10,000)
"Man About Town" (Para.)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $5,800. (Average, $6,500)
"Stronger Than Desire" (M-G-M)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $3,300. (Average, $5,000)
"Good Girls Go To Paris" (Col.)
RKO GRAND—(1,200) (25c-40c) 7 days, 2nd week. Gross: $3,100. (Average, $2,750)
"Undercover Doctor" (Para.) (2 days)
"6,000 Enemies" (M-G-M) (3 days)
"Trapped in the Sky" (Col.) (2 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $1,600. (Average, $2,400)
"On Borrowed Time" (M-G-M)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $5,000. (Average, $6,000)

'Quai' Best French Film

Marcel Carnes' "Quai des Brumes," which will be released in September here by Film Alliance of the United States as "Shadows in the Fog," has been selected as the best French film of the year by the Ministry of Education, according to Nat Sanders, general manager of Film Alliance.

New York Reviews

"The Ware Case"

(*Gaumont-British*)

"The Ware Case" is a very excellent mystery drama free from even the faintest aura of the conventional, treatment of murder-mystery stories. It has an unusual and interest-compelling plot, a cast tailored to the story, and a smash surprise ending.

Clive Brook should come as a complete surprise to audiences who are familiar with his pictures of earlier Hollywood days. He looks younger, fresher and gives a more completely satisfying performance than he ever gave in Hollywood. Jane Baxter, who plays the role of Brook's wife, handles herself capably before the camera.

Brook, as Hubert Ware, is an Englishman nobleman of the old school, impoverished and unable to adjust himself to changed conditons. He continues blithely to spend money he doesn't have and is frivolous with other men's wives. His wife, despite her love for her husband's attorney, Michael, played by Barry K. Barnes, loyally remains beside her husband. All of this, we know, sounds very sordid, but it doesn't appear to be so as the story is enacted.

A rich relative of Ware's wife is murdered on the Ware estate. Although all signs indicate that Ware killed him to inherit money to relieve his financial embarrassment, the jury exonerates Ware. Upon his return home he at last learns of the love existing between his wife and his attorney. In the dramatic close, Ware is called to the balcony of his house by a jubilant street crowd which has just learned of the jury verdict. To the crowd he avows his murder guilt and plunges to the ground.

Running time, 70 minutes. "G."* JACK BANNER

"This Man Is News"

(*Pinebrook-Paramount*)

A newspaper story with American slang used in English style is this merry tale of London's Fleet Street and its crack reporter who is all but murdered by a dangerous gang of criminals. The pace is fast and the plot moves swiftly through a series of three killings, several shootings, a fire and the inevitable daily deadlines of a morning newspaper.

Properly classified, "This Man Is News" belongs in that field of light entertainment which Summer audiences are supposed to like. It is exciting, humorous, and the wedded bliss of Barry K. Barnes and Valerie Hobson adds the touch of romance. The plot leans heavily on coincidence and can scarcely be called realistic, but the action holds together sufficiently.

Barnes, who has been following a story in which he expects a criminal to be murdered, is fired by his editor, Alastair Sim, for refusing to work on other assignments. Under the inspiration of some champagne, Barnes phones in a story that the murder had taken place and is shocked to learn the next morning that the killing actually did occur. He is suspected, there are several attempts on his life, but the story wends its way to a happy climax.

Barnes gives the role of a carefree but able reporter convincing treatment, and Miss Hobson is altogether delightful as his patient wife. Sim, as the Scottish editor, provides considerable flavor and humor. David Macdonald directed and Anthony Havelock-Allan produced. Roger MacDougall and Allan MacKinnon wrote the story.

Running time, 74 minutes. "G."* ED GREIF

*"G" denotes general classification.

'Courageous' Tallies Big $6,200 at Omaha

OMAHA, July 23.—"Daughters Courageous," coupled with "Code of the Secret Service," was good for an exceptional $6,200 at the Brandeis. The bill was held a second week.

Estimated takings for the week ending July 26-27:

"Daughters Courageous" (F. N.)
"Code of the Secret Service" (F. N.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days, 2d week. Gross: $6,200. (Average, $4,600)
"Andy Hardy Gets Spring Fever" (M-G-M)
"Prison Without Bars" (U. A.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $7,100. (Average, $6,000)
"Calling Dr. Kildare" (M-G-M)
"Tell No Tales" (M-G-M)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $8,400. (Average, $7,600)

'Fiddle' at $7,500 Leads Providence

PROVIDENCE, July 23.—"Second Fiddle" and "Mr. Moto Takes a Vacation" drew $7,500 at the Majestic.

Estimated takings for the week ending July 19-20:

"Second Fiddle" (20th-Fox)
"Mr. Moto Takes a Vacation" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $7,500. (Average, $7,000)
"On Borrowed Time" (M-G-M)
"They All Come Out" (M-G-M)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $9,300. (Average, $11,000)
"Good Girls Go to Paris" (Col.)
"Romance of the Redwoods" (Col.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $5,200. (Average, $6,000)
"Good-bye, Mr. Chips" (M-G-M)
"Five Came Back" (RKO)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $4,000. (Average, $3,500)

U. S. Confident Of New Japan Pact on Films

American sales representatives in the Far East are hopeful of a new film import agreement being reached with Japan in the near future, Al [illegible], Far Eastern representative for Universal, who is here for a home office visit, said Saturday.

He reported that film stocks are rapidly being depleted and the situation will be acute for American distributors by the end of the year unless a new agreement is effected in the meantime. The import provisions were extended on a somewhat indefinite basis on their expiration at the first of the present year and the Japanese Government now is behind on the number of film permits issued to date, as compared with permits issued during a corresponding length of time last year.

Under the old agreement about 200 features were admitted during the latter part of 1938.

Daff reported that there is no anti-American feeling apparent in Japan and that American business interests there are operating under no severe handicaps. He predicted that Universal would do the greatest amount of business in its history in Japan this year. A "fair settlement" of currency withdrawal regulations is anticipated by film distributors, he said.

Daff said that hostilities in China have dealt a severe blow to the development of new film markets in the interior and have seriously confined the existing markets elsewhere. Had it not been for the war, he said, large scale theatre construction would have been begun two years ago in interior cities which have never had a motion picture theatre. In addition, plans for the rebuilding of existing theatres elsewhere were abandoned.

Daff said there is no immediate prospect of American distributors reentering the Manchukuo market although negotiations are being continued and the sales representatives are "hopeful" of an agreement being reached eventually.

Daff leaves for the coast at the end of the week and will sail for Japan from San Francisco early in August.

'Chips' Hits $5,000 Milwaukee Gross

MILWAUKEE, July 23.—"Goodbye, Mr. Chips," in its second week at Fox's Palace took $5,000 despite competition from the Midsummer Festival which drew thousands nightly. Bill Carlsen's band at the Riverside with "The House of Fear," drew $7,100.

Estimated takings for the week ending July 19-20:

"Naughty But Nice" (W. B.)
"Ex-Champ" (Univ.)
WARNER—(2,400) (25c-35c-50c), 6 days. Gross: $4,000. (Average, $4,500)
"Goodbye, Mr. Chips" (M-G-M)
PALACE—(2,400) (25c-35c-50c), 7 days. 2nd week. Gross: $5,000. (Average, $4,000)
"The House of Fear" (Univ.)
RIVERSIDE—(2,700) (25c-30c), 7 days. Stage: Bill Carlsen's band. Gross: $7,100. (Average, $6,500)
"Maisie" (M-G-M)
"Tarzan Finds A Son" (M-G-M)
STRAND—(1,400) (25c-35c-50c), 7 days. Gross: $1,300. (Average, $1,500)
"Second Fiddle" (20th-Fox)
"The Gorilla" (20th-Fox)
WISCONSIN—(3,200) (25c-35c-50c), 8 days. Gross: $5,000. (Average, $5,500)



Everything the screen can ever give you... All in one Magnificent Picture... from Alexander Korda....

NEVER SUCH



Alexander Korda

FOUR

A PICTURE AS



presents

FEATHERS

IN TECHNICOLOR

7,200 SECONDS OF BREATHLESS ENTERTAINMENT PACKED WITH FLESH-AND-BLOOD EXCITEMENT!



the blood-pounding story of a coward, his three friends and the girl he loved.



four white feathers that sent him into a thousand perils to seek redemption.



Lord Kitchener's roaring victory at Obdurman photographed in actual locations with flaming realism.



8,000 savage Dervishes filmed for the first time with every detail of their cruel warfare.

Kipling's famous Fuzzy Wuzzies, fiercest of African warriors, fighting on a battlefield ten miles wide.



1,800 camels in a frenzied stampede on the white man's stronghold.



the horrors of the fanatical Mahdi's hideous torture chambers never before revealed.



4,000 natives pulling flatboats up the treacherous cataracts of the Nile.





actual locations in the remote interiors of the Egyptian Sudan where the camera could only penetrate by plane.

EVERYTHING REAL! EVERYTHING TAKEN IN ACTUAL LOCALES! SIGHT AFTER SIGHT THAT THRILL-HUNGRY AUDIENCES HAVE NEVER SEEN BEFORE!

ALEXANDER KORDA

presents

FOUR FEATHERS

IN TECHNICOLOR · · *Directed by* ZOLTON KORDA

with

RALPH RICHARDSON · C. AUBREY SMITH

JOHN CLEMENTS · JUNE DUPREZ

Adapted by R. C. SHERRIFF *from the Novel by* A. E. W. MASON

Released thru **UNITED ARTISTS**

Associate Producer IRVING ASHER

Games Suffer More Attacks In Wisconsin

JANESVILLE, Wis., July 23.—Games of chance were dealt another blow in Wisconsin with a decision here by Circuit Judge Jesse Earle labeling as a lottery, Shekels, a game played in the Wisconsin Theatres Enterprises' State, Rex and Majestic in Beloit.

Action was started against the theatres by District Attorney John Matheson after houses throughout Rock County suspended Bank Night in response to the recent State Supreme Court decision which held the game a lottery.

Wisconsin Theatres Enterprises, managed by T. M. Ellis, Jr., and Gerald Turner, declined to suspend at the request of the district attorney, claiming that their game was different from the Bank Night plan.

In his decision, Judge Earle quoted a Missouri case holding that "to constitute a lottery it is not necessary that the result depend entirely on chance, but it is sufficient if chance is the dominant factor; hence a contest may be a lottery even though skill, judgment or research must there enter into in some degree, if chance in a larger degree determines the results."

In Milwaukee, where Circuit Judge Gustave G. Gehrz issued an injunction barring Bingo at the Midsummer Festival operated by the city on the lake front, Benjamin J. Miller, representing H. J. Eggert, local merchant, in the action, indicated that he would open a campaign on Bingo sponsored by churches, lodges and charitable organizations.

Law enforcement officials in Kenosha, Wis., took another whack at theatre games when Attorney General John E. Martin labeled Treasure Chest, a plan operated by the Kenosha Theatre here as a successor to Bank Night, a lottery.

RKO Board Meet Delayed Few Days

Meeting of RKO directors, which was authorized by the Federal court last week, will be delayed for a few days pending the return of Leo Spitz, one of four remaining directors, from Chicago. Meeting was to have been held today but was postponed when Spitz was called to Chicago over the weekend.

The session will be held to permit the remaining directors of the old company to elect approved nominees to fill existing vacancies. The approved nominees, including two members of the present board, will constitute the board of directors of the reorganized RKO. Early election will provide them with an opportunity to familiarize themselves with company operations during the next 60 to 90 days while the reorganization is being completed.

Stock Suits Merged

Three stockholders' suits brought against Columbia Pictures Corp. were ordered consolidated Friday by N. Y. Supreme Court Justice McGoldrick. The suits charge payment of excessive salaries and bonuses, mismanagement and improper use of stock warrants.

If War Comes!

Lloyds to Store Records In Pinewood Studios

LONDON, July 23.—Pinewood Studios, latest and largest of Britain's production centers, in time of national emergency will house Lloyd's, world-famed registry of British shipping and meeting place of City underwriters.

Lloyds already have arranged a wartime lease of Pinewood Studios and will transfer all business staffs and documents there if the occasion arises.

Denham Studios will be used by the Government to store food. Amalgamated Studios, opened by the Soskins and yet to see a motion picture camera is already used by the Office of Works as a store house for Government records.

AFL Studio Unions Unite to Battle CIO

(*Continued from page* 1)

Speede, business representative, Local 40, IBEW; J. Scott Milne, International IBEW representative; Nathan Saper, Studio Drivers Local 399; L. C. Helm, Studio Utilities Employes Local 724; Ben Martinez, Studio Plasterers Local 755; William B. Castle, Studio Carpenters Local 946; Joseph F. Cambiano, Carpenters International representative; Herbert Sorrell, Moving Picture Painters Local 644; J. W. Gillette, Musicians International representative; Jack B. Tenney, Musicians Local 47; Ralph McMullen, Plumbers Local 78; J. T. O'Neil, Plumbers International representative; D. T. Wayne, Machinists Local 1185.

I.A.T.S.E. representatives: Bert Offord, Costumers Local 705; Thomas C. Bryan, Laboratory Workers Local 683; Harold Roddan, Projectionists Local 165; Ben Koenig, Makeup Artists Local 706.

I.A.T.S.E. locals not represented were Photographers Local 659, Sound Technicians Local 695, and Studio Technicians 706.

Another meeting to formulate ways and means to prevent further encroachment of the USTG, which now claims a membership of 3,500, will be held Wednesday at Carothers' office.

Meanwhile J. W. Buzzell, executive secretary of the Los Angeles Central Labor Council, has called a meeting of business representatives of studio locals for Monday to discuss USTG, which held a mass meeting today.

USTG Warning to Casey

HOLLYWOOD, July 23.—The United Studio Technicians' Guild, financed by the C.I.O., has wired Pat Casey, major studio labor contact, not to sign a new working agreement with the I.A.T.S.E., until after the N.L.R.B. election to determine the collective bargaining agency for studio workers.

Sued on Film Rights

Selwyn & Co., Inc., filed suit Friday in the U. S. District Court against Bayard Veiller, author of "The Miracle," in which the plaintiff seeks to recover $7,500 which it claims defendant received unlawfully for the sale, to Loew's, Inc., of the picture rights of the play. Plaintiff claims that in 1914 it produced the play and that defendant illegally sold the rights to Loew's in 1939.

Spain Drafts Film Imports Regulations

BARCELONA, Spain, July 23.—The Franco government yesterday formulated the following proposed import regulations for the film industry:

Import licenses will be given for lots of ten pictures, but the importer will be compelled to produce, in Spain, one picture for each such lot. Licenses will not be given unless a deposit is made at the Customs office through which the said picture will be exported. The amount of the deposit, corresponding to the value of the picture, will be determined by the Ministry.

Only the negative of a film may be imported. All copies must be made in Spanish laboratories.

The government will intervene in the exploitation of exported films, retaining 50 per cent of the benefits and devoting the remainder of the payment to imported material.

To obtain import licenses, distributors must exhibit to the ministry signed contracts or legalized copies with producers to the effect of ascertaining percentage of exploitation benefits which will be reserved in blocked accounts, indicating in documents from producers to the bank where accounts are blocked that pictures were not bought at high percentage.

AFL Council to Air AFA Controversy

(*Continued from page* 1)

torneys for the defense, contended that the issue involved a labor dispute and that an injunction could not be granted until nine preliminaries required by the Civil Practice Act were met.

Abraham J. Halprin and I. B. Padway argued that employers were not involved and that the case did not come within the statute. They declared that, regardless of the A.F.A. suspension, solicitation by defendants of members and employers violates property rights.

Judge Padway urged that employers holding A.F.A. contracts want no interference, but that the defendants had crews at the World's Fair attempting to get members.

Jaffe declared that A.G.V.A., while soliciting members, had not approached employers. Great interest was shown by Justice McGoldrick in the liability of the A.F.A. for damages in the event contracts were broken by members of A.F.A. at the behest of A.G.V.A. Briefs were submitted by A.F.A. on Saturday and the defendants will reply today.

Horner Gets Illinois Bill Banning Duals

CHICAGO, July 23.—The Sandquist bill limiting film shows in Illinois to two hours and 15 minutes was officially placed before Governor Horner Saturday for approval or rejection.

Although the bill was passed by the legislature before it adjourned three weeks ago, the delay in reaching Horner's hands is blamed on the slowness in having it in proper printed form.

The Governor has ten days to act on the bill. Experts predict he will veto it.

Theatre, Personnel Changes

Manages Windsor Theatre

TORONTO, July 23.—Robert Brown has been appointed manager of the Vanity Theatre, independent house at Windsor, Ont., succeeding I. Steinhart who recently became manager of the Manor Theatre, a Toronto suburban house. Brown was formerly assistant manager of the Vanity. Both theatres are units of the 20th Century Theatres' co-operative group.

Shubert Reopens Aug. 4

CINCINNATI, July 23.—The 2,150-seat RKO Shubert, which went dark about two months ago after a season of stage shows and pictures, will reopen Aug. 4 with straight films until early in September, when the regular combination policy will be resumed.

Heads Trade Paper Relations

MILWAUKEE, July 23.—Richard L. Weber, Jr., has joined the Eisenberg-Champion Company, local advertising agency, as director of trade paper relations.

Smith Joins RKO

OMAHA, July 23.—Joseph P. Smith of Boston has joined the RKO sales staff here, replacing Ralph Olson, resigned. Olson is now with Universal in Des Moines.

U. S. to Seek Nov. 1 Date for Trust Trial

(*Continued from page* 1)

tion 4 of the Sherman Act provides that "the court shall proceed as soon as may be, to the hearing and determination" of anti-trust cases, and asked that the case be "expedited in every practicable way."

Defense counsel will urge that the case is not of such extraordinary public importance as to require a preference and will resist the Nov. 1 date on the ground that the defense could not be prepared sufficiently by that time. The case is now number 394 on the calendar and, in normal course, would be reached for trial about March, 1940, without a preference.

Houston Theatre Sues Under Anti-Trust Act

HOUSTON, Texas, July 23.—Joy Amusement Co., Houston, filed suit in the United States District Court under the Sherman Anti-Trust Act against Interstate Circuit, Inc., Dallas; Horwitz-Texan Theatres Co., Houston; Metro-Goldwyn-Mayer Corp., Texas; RKO Radio Pictures, Republic Pictures Corp. of Texas; Loew's, Inc., Paramount Pictures Corp., Vitgraph, Inc., and 20th Century-Fox Film Corp., all of which are exhibitors or distributors.

Damages of $17,366.61 are asked by the Joy Amusement Co., claiming that from December 1, 1927, to December 31, 1938, profits declined as a result of these various companies refusing to permit the plaintiff to book first class features at its local theatre here.

From the Blazing Tropics to the Frozen North...

CO

GI



COLUMBIA PICTURES

RIUMPHANT STORY OF THE
ERVICE THAT NEVER SLEEPS!

ST



ARD

RANDOLPH SCOTT · FRANCES DEE · RALPH BELLAMY

WALTER CONNOLLY

Screen play by Richard Maibaum, Albert Duffy, Harry Segall · *A Columbia Picture* · Directed by Edward Ludwig

Federal Rules For Builders Of Radio Sets

Trade practice rules for the radio receiving set manufacturing industry were promulgated Saturday by the Federal Trade Commission after a series of industry conferences and public hearings.

The rules provide for "the elimination and prevention of false advertising, deceptive selling methods, and certain other unfair trade practices, and are issued in the interest of protecting the purchasing public and maintaining fair competitive conditions in the industry."

Deceptive Labels Banned

They are applicable to sets, parts and accessories and to their distribution and sale by manufacturers, jobbers, distributors, dealers and other marketers.

Eight rules were laid down. False or deceptive labels or trade marks are banned under Rule 1. Rule 2 sets forth how wave length reception must be labeled. The third rule prohibits 17 specific types of false or misleading advertisements dealing with reception, interference, defects, number of tubes, reduced prices, lateness of model, extra charges, list prices and trade-ins.

Rules Are Described

Misleading advertisements about sponsorship of the sets by prominent manufacturers is forbidden in Rule 4. Alteration of brand name or use of chassis or cabinet of another set for purposes of deception are banned in Rules 5. Rule 6 bars imitation of trade marks. Rule 7 condemns bribery of employes who do the buying. Rule 8 forbids the use of "spiffs" or "push money" to promote sales of the manufacturer or dealer.

Available statistics indicate that for 1937, the industry's total sales of receiving sets, accessories, etc., amounted to slightly more than $460,000,000, retail value. For 1938, radio receiving sets sold by the industry, exclusive of parts, accessories, etc., totaled approximately $7,150,000 with an estimated retail sales value of $225,000,000.

At the present time there are about 41,000,000 radio sets in use in the United States.

KSTP to Get New Giant Transmitter

MINNEAPOLIS, July 23.—Awarding of contracts and start of construction on the new 50,000-watt transmitter for KSTP, Minneapolis-St. Paul, was announced today by Stanley E. Hubbard, president and general manager.

The station will begin its increased power this Fall. Boost in the station's power has necessitated a re-location of the transmitter.

William Menagh Dies

DENVER, July 23.—William Menagh, 66, retired theatre owner, died at his Boulder, Col., home, following a long illness. Operating in the Denver area, Menagh retired several years ago. His son, Eldon, operates at Ft. Lupton, Col., while a son-in-law owns a house at Albuquerque, N. M. Menagh is survived by the son and three daughters.

BANNER RADIO LINES

By JACK BANNER

SOL LESSER'S FILM . . . Last week here it was reported that NBC had obtained for television purposes the film, "Dude Ranch," featuring George O'Brien and Irene Hervey, and that it was the first to be obtained from a major studio. This column called it a 20th Century-Fox picture. We regret the error. Although 20th Century-Fox did release the film in 1935, it was produced by Sol Lesser, and subsequently was turned back to him by 20th Century-Fox.

▼

"STRANGE AS IT SEEMS" ON CBS . . . John Hix's cartoon feature, "Strange As It Seems," will form the basis of a new series just signed by Colgate-Palmolive-Peet for presentation over CBS. It will be heard on Thursdays from 8:30 to 9 P. M. starting August 17, following immediately after another Colgate program, "Ask-It-Basket." Hix will provide material, but won't appear in the series. Talent remains to be signed. Benton & Bowles placed the business.

▼

PARAMOUNT BUYS RADIO TIME . . . For the world premiere in Van Buren, Ark., of Bob Burns' picture, "Our Leading Citizen," Paramount has purchased time on CBS over 43 stations, coast-to-coast, Aug. 7, from 10 to 10:30 P.M. Program will be broadcast from the stage of the Bob Burns theatre, and will present Burns, Irvin S. Cobb, Susan Hayward and Joseph Allen, Jr. Bob Hussey will produce the show.

▼

RADIO GALLERY OPENS . . . Formal opening of the radio galleries of the Senate and House of Representatives will take place today at the House gallery. Mutual, whose Washington commentator, Fulton Lewis, Jr., led the successful campaign which resulted in provision of the radio galleries on a par with the press, will broadcast a portion of the ceremonies tonight at 10:15. Lewis is now president of the Radio Correspondents Association. Among those taking part in the opening will be Vice-President Garner, Senators Warren Barbour and Guy M. Gillette, and Representative John Dempsey.

▼

PERSONALS . . . Andre Kostelanetz and Lily Pons are making plans for another South American tour. . . . John Carlile, who recently resigned as head of the CBS production department, will leave New York this week in connection with his recently published book, "Production and Direction of Radio Programs." . . . Tom Fizdale has expanded his office space and has moved from the second to 15th floor of the CBS building. . . . Dorothy Kilgallen, *Journal-American* columnist, will be guest on Dale Baxter's program over CBS Thursday.

▼

GILMAN REAPPOINTED . . . Don Gilman, NBC's West Coast vice-president, has been reappointed chairman of the Statewide Radio Committee for the California State Chamber of Commerce for the next year.

Radio Writers Ask For Local Autonomy

Proposed changes in the Radio Writers Guild setup will be considered by the council of the Authors League at a special meeting Wednesday. The Guild council has approved a constitutional change which will divide the Guild into three regional groups—New York, Chicago and Los Angeles.

Each group is to elect 10 members to serve on a national council and to name a vice-president who will be in charge of local matters. The groups will have autonomy for local problems, while the national council will have jurisdiction over national issues. Constitutional changes must be approved by the Authors League council and then to the membership for a vote.

Radio Actors Elect Tuesday at Chicago

CHICAGO, July 23.—American Federation of Radio Actors will elect officers here Tuesday night, at which time it is expected they will act on negotiations with station officials and agencies in regards to benefits recently asked by AFRA.

It is believed that AFRA will retrench considerably on its demands, as it is felt that recent developments make some of their requests exhorbitant, especially as regards commentators' salaries.

F C C Calendar

WASHINGTON, July 23.—The Federal Communications Commission will hold hearings Sept. 25 on the applications of the Union Broadcasting Co. for a 1,370-kilocycle station, with 100 watts night, 250 watts day, at Scranton, Pa., and Samuel M. Emison for a 1,420-kilocycle, 100-watt station at Vincennes, Ind.

Authority to change frequency from 1,250 to 710 kilocycles and increase power from 1,000 watts night, 5,000 watts day to 10,000 watts, has been asked of the commission by WTCN, Minneapolis.

Also filed with the commission were requests of WABI, Bangor, Me.; WJBK, Detroit, and WLVA, Lynchburg, Va., for increases of night power from 100 to 250 watts.

Requests for power increases are coming in to the commission in considerable volume.

Applications received include the requests of WPIC, Sharon, Pa., for an increase from 250 to 1,000 watts, and KFDM, Beaumont, Tex., for an increase of night power from 500 to 1,000 watts, while increases in night power from 100 to 250 watts were asked by KRMD, Shreveport, La.; KMLB, Monroe, La.; WFOY, St. Augustine, Fla.; KLUF, Galveston, Tex.; WDNC, Durham, N. C.; WGNC, Gastonia, N. C.; WEOA, Evansville, Ind.; WHLB, Virginia, Minn., and KPQ, Wenatchee, Wash.

Foods Prove Biggest User Of Radio Time

Industrial classifications of NBC gross client expenditures during the first six months of 1939 disclose that foods and food beverages, with an expenditure of $7,855,149, led all other classifications, with the other first division leaders comprising cosmetics, toiletries and drugs, $6,695,427; laundry soaps and cleansers, $2,894,391; and tobacco clients, $2,056,047.

Total client expenditures for the six-month period amounted to $22,598,937, which compares to the total expenditures for the like period last year, of $21,023,674, an increase for this year's period of 7.5 per cent.

The classifications, and amount spent in each, follow:

Automotive, $586,368; building, $68,406, tobacco, $2,056,047; clothing, $71,989; confectionery & beverages, $225,749; cosmetics, etc., $6,695,427; foods and food beverages, $7,855,149; furniture and house furnishings, $247,654; petroleum, $907,699; paints and hardware, $201,926; radios and musical instruments, $460,823; shoes and allied goods, $15,336; laundry soaps and cleaners, $2,894,391; stationery and publishers, $213,688; travel and hotels, $23,430, and miscellaneous, $74,855.

British Reels May Supply BBC Films

LONDON, July 23.—The Newsreel Association, composed of five British newsreels, will consider the practicability and policy involved of compiling a biweekly issue containing extracts from the Paramount, Movietone, Gaumont British, Pathe and Universal reels for regular use in television by the British Broadcasting Corp.

The suggestion followed the unyielding objection of exhibitors to the continued loan for television of newsreels identical with those regularly released to theatres.

The plan, if approved, may forestall the production by BBC of its own television newsreel, which is now tentatively and unofficially contemplated.

Stoopnagle to Rule On 'Quixie Doodle'

Colonel Stoopnagle has been signed by the Mennen Co. to conduct the "Quixie Doodle" contest programs over Mutual upon the program's return to the air this Fall. Stoopnagle replaces Bob Hawk, who had the series last year. Program will be heard over eight stations of the network—WOR, WGN, WLW, CKLW, WAAB, WFIL, WOL and WKBW. The H. Kiesewetter agency placed the account. Air time will be Fridays at 8 P.M.

Television Corporation

DOVER, Del., July 23.—Radio Wire Television Corp. was incorporated here to deal in all forms of program and entertainment material. The firm listed a capital of 1,000,000 shares of no par value. The incorporators were David H. Jackman, George V. Reilly and John E. Cosgrove of New York City.

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First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 16 NEW YORK, TUESDAY, JULY 25, 1939 TEN CENTS

Cole to Meet Cohen Today, Debate Code

May Settle Differences Over Trade Pact

Differences between national Allied and New York Allied on the trade practice code will be discussed at a conference today between Col. H. A. Cole, president of national Allied, and Max A. Cohen, head of the state unit.

Despite national Allied's rejection of the code, Cohen recently announced that his organization intends to negotiate a code for exhibitors in New York State.

Col. Cole, who is visiting in New York, said yesterday that Allied's convention action on the code has been endorsed by several units which have gone on record as "unalterably opposed" to the code. He said that the New York unit is the only one which has taken a definite stand in favor of negotiating for a pact.

Allied's members generally do not expect to sign the code, said Col. Cole. The document is now being whipped into final form by distributor executives and attorneys who are conferring on the changes in the arbitration provisions requested by the New York I.T.O.A. and other exhibitor groups.

The national Allied head, who plans to leave the city tomorrow, said that his organization will press for passage of the Neely bill in the House in the January session. He expressed confidence that it will pass and thus, with Senate approval already given, will become law.

150 Attending F P Canadian Meeting

NIAGARA FALLS, Ontario, July 24.—For the first time in the company's history, managers from coast to coast have gathered here for the annual meeting of the Famous Players Canadian Corp.

Labeled a "royal year sales convention," the parley opened with Clarence Robson, Eastern division manager, welcoming the delegates at today's luncheon. Afterward a private regional session started and it continued until late tonight.

Registrations show 150 managers and head office officials, as well as other representatives at the General Brock Hotel.

The big day of the convention is

(*Continued on page 5*)

British Films Act Called Blameless For Trade's Ills

LONDON, July 24.—England's new Films Act is exonerated of responsibility of the present condition of the British production industry in the Films Council's report of the first year's workings of the Act, published today.

The report stresses that steps are imperative to facilitate voluntary (non-quota) production and doubts current problems are solvable by legislation.

The Films Council's activities of the past year are examined in the report, which speculates on the British industry's future, views the Quota Act with faint praise and stresses that limits should be applied to legislation.

The report gives the opinion that lower production is due to operations of the Quota Act, but insists that intermittent production, studio inacitvity and unemployment are problems pertaining to the industry itself.

"Free and easy" financing of the boom period is criticized and it is stated that the reduction of "voluntary" production resulted from the consequent losses and withdrawal of backing. The report emphasizes that the decline in voluntary production is the true source of the industry's difficulties, insisting that without a substantial volume of voluntary British films, the establishment and maintenance of a permanent industry here is impossible.

The Quota Act offers the protection necessary for secure establishment of production in the home market, but the present is an unfavorable time for launching such a move, according to the Films Council. The report sees

(*Continued on page 2*)

Forest Hills Protests Manager's Transfer

More than a thousand residents of Forest Hills, L. I., tennis center, have protested by petition to Skouras Theatres against transfer of their local manager, Major Adolpho Caruso, to another Skouras theatre. The village is indignant over the transfer as Caruso is particularly active in local civic matters and American Legion activities. The local paper paid tribute to Caruso with a headline: "Forest Hills demands Caruso remain."

Goldwyn Favors Illinois Duals Bill

By WILLIAM CROUCH

CHICAGO, July 24.—Samuel Goldwyn, passing through here yesterday en route to New York and expressing his personal viewpoint, said he would urge Governor Horner's signature on the bill to limit film shows to two hours and 15 minutes.

Goldwyn, a pioneer crusader against double features, said he thought this was a good way to stop the practice.

Local film men believe that the Governor plans to let the bill become law without his signature. The Governor's action is expected this week.

Meanwhile, exhibitors in Milwaukee are expected to ask the Common Council for an ordinance limiting the length of programs to about two and a half hours. If enacted, the measure

(*Continued on page 7*)

AFA Gets IATSE Support; AFL Chief Non-Commital

Possibility that the I.A.T.S.E. may once more challenge the jurisdiction of Associated Actors and Artistes of America for control over performers looms as an aftermath of the suspension by the 4-A of the American Federation of Actors.

Late in 1937, the I.A. became involved in a similar dispute with Screen Actors Guild but no decisive action resulted.

Ralph Whitehead, A.F.A. executive secretary, on Saturday formally placed the application of his organization for affiliation with the I.A. after a surprise conference with George Browne, I.A. president. It is understood that Browne reaffirmed the I.A. claim to jurisdiction over actors and responded favorably to Whitehead's suggestion for affiliation.

On Sunday, William Green, A.F. of L. president, met with 4-A officials and stated that he recognized the right of international unions to suspend branches. However, he declined comment on the suspension or on counter-charges made by A.F.A. against the 4-A. Green insisted that this issue was for the A.F. of L. council to decide when it meets in Atlantic City Aug. 7.

Refusal of Green to take a definite stand, however, was interpreted in union circles as presaging a fight of no mean proportions at the council meeting. It is known that the A.F.A.

(*Continued on page 2*)

Plea for Date Of Trust Trial Before Knox

U.S. to Use 14 Attorneys When Hearing Starts

Government attorneys in charge of the anti-trust suit have not yet decided whether examinations before trial of defendants will be used but are convinced that, if they are, they can easily be completed before Nov. 1, the date which the Government is seeking to set for the trial.

Attorneys arrived yesterday to argue the motion on the date before Federal Judge John C. Knox today.

A battery of 14 attorneys will probably be on hand to try the case when it opens in court. They will probably be headed by Paul Williams, special assistant attorney general in charge of the film suit, and David L. Podell, prominent New York trial counsel with wide experience in trust suits. About a dozen assistants from the attorney general's office will aid them.

Pre-trial examinations will be kept to a minimum, Government attorneys indicated, and may be abandoned altogether in an effort to speed the trial. United Artists has already been examined, but the examination has not been formally closed. Exception was made in the case of U. A. because that company refused to respond to a questionnaire.

It was also indicated that the hearing on the motion scheduled for this morning may be adjourned for a short period, but no definite decision had been made up to a late hour yesterday.

500 Fete Eckhardt; Film Chiefs Speak

CHICAGO, July 24. — The largest crowd in Chicago's cinema history, approximately 500 persons, turned out tonight to pay tribute to Clyde W. Eckhardt on his silver jubilee testimonial dinner in the Congress Casino.

Following the dinner, special entertainment included a novel issue of Fox Movietone News. Speeches by many of the leading executives in the film industry were heard.

Felix Mendelsohn was toastmaster and introduced Herman Wobber, William Gehring, Lew Lehr, Jack Kirsch, John Balaban, Truman Talley, Jack

(*Continued on page 2*)

New Film Act Is Blameless, Says Council

(*Continued from page* 1)

promise for British films, but reserves judgment on the wider issues pending further operations of the Act.

The Council lectures the industry on the need for cooperation between its various sections and deplores the lack of a comprehensive producer organization. It reiterates that a solution to problems lies in the industry's own hands and not state help.

The Council, incidentally, records its unwillingness to vary the present quota rates, but will reconsider the renters' quota later. It reports that no sub-quota films were granted certificates under the special entertainment clause and reports that advice was given to the Board of Trade or readjustment of the treble quota section to remove penalization. The report reserves judgment on apprenticeship suggestions and shows a division of opinion on cooperative booking.

500 Fete Eckhardt; Film Chiefs Speak

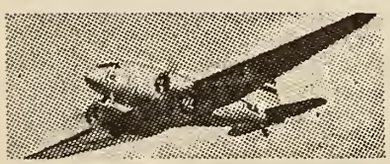
(*Continued from page* 1)

Osserman, Gradwell Sears, Peck Gommersall, Jack Miller, James Caston, Henry Herbel, W. H. Banford, Walter Branson and Allen Usher, all of whom spoke briefly.

Eckhardt responded in appreciation for the tribute paid him. The banquet was the most outstanding of its kind ever held here, veteran showmen said.

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Purely Personal

H. M. RICHEY, RKO director of exhibitor relations, is due back tomorrow from a trip to Chicago, Cincinnati and Indianapolis.

•

BARRET KIESLING, M-G-M representative, was guest of honor at a luncheon in Cleveland late last week. District Manager JOHN J. MALONEY, Branch Manager FRANK D. DREW and local exhibitors were present.

•

ABRAM FOX, head of the accounting department at Republic's New York exchange, left over the weekend for a ten-day vacation. ANNA PLISCO, Republic booker, is also vacationing.

•

ARTHUR LEVY, Columbia manager in Pittsburgh, won low gross prize at the annual Variety Club tournament there. MRS. LAWRENCE KATZ and LEVY were co-chairmen.

•

FRED STORM, new studio publicity representative for SAMUEL GOLDWYN, will leave New York for the Coast this week to begin his new assignment.

•

TEX FLETCHER is making personal appearances in New England in connection with Grand National's "Six-Gun Rhythm."

•

ROBERT M. WEITMAN, managing director of the Paramount, is vacationing at Ferndale, N. Y. He is due back Friday.

•

HARRY UNTERFORT of Keith's Theatre, Syracuse, was a visitor at A-MIKE VOGEL'S Round Table offices yesterday.

•

FRED MEYERS, director of advertising and publicity for the Cleveland Public Library, is touring Hollywood studios.

•

PHILIP SASLAU and MRS. SASLAU of the Fishman circuit, New Haven, are visiting at Racquette Lake, N. Y.

•

WILLIAM KATZ, Brooklyn booker for Columbia, is vacationing with his family at Swan Lake, New York.

•

RAYWOND WILLIE, formerly of San Antonio and now with Interstate in Dallas, is visiting San Antonio.

•

BRUCE CABOT, who is at the Waldorf-Astoria, will sail for England soon to work in a picture.

•

EDWARD L. HYMAN has resigned his managerial post at Prudential & Playhouses Operating Co.

•

GOV. RAYMOND BALDWIN of Connecticut will spend part of his vacation in Hollywood.

•

MAURICE GLEEVES, manager of the Uptown, San Antonio, will visit three weeks in Dallas.

•

LEO SPITZ arrived yesterday from Chicago.

•

W. WARD MARSH, Cleveland *Plain Dealer* film editor, and his family are in Hollywood.

•

ABE FISHMAN of the Fishman circuit, New Haven, is vacationing at Cape Cod.

•

GLADYS SWARTHOUT is singing at the Zoo Summer Opera in Cincinnati this week.

ED KUYKENDALL, M.P.T.O.A. president, leaves New York today for his Columbus, Miss., home.

•

HERMAN RIPPS, New Jersey salesman for M-G-M, was tendered a testimonial dinner in Albany last night by associates at the M-G-M Albany branch where he was until recently stationed.

•

NORMAN ARENWALD, buyer and booker for the Brecher circuit, and his wife, HILDA BLOOM, secretary to LEO BRECHER, have left for a two-week cruise to Bermuda.

•

MAX MILDER, general manager of Warner Brothers, Ltd., in England, leaves Hollywood for New York Thursday and sails Aug. 9 on the *Queen Mary*.

•

RUSSELL HOLMAN, MAX A. COHEN, E. K. O'SHEA, DAVID WEINSTOCK, SAM HARRIS at Nick's Hunting Room in the Astor for lunch yesterday.

•

LOU DIAMOND, head of Paramount's short subjects department, returned yesterday from a six-week visit to Hollywood.

•

MATTY FOX of Universal entrained on the Coast for the East last night night for conferences with J. CHEEVER COWDIN.

•

LOUIS S. LIFTON, director of advertising and publicity for Monogram, returned yesterday after a two-week vacation.

Lobby's Doom

Vaudeville Stars See Palace Farewell

The gilt lobby of the Palace is gone. Wreckers started demolition yesterday and it will be replaced by a modern lobby. Old vaudevillians gathered in the lounge to exchange reminiscences and comedians flitted about testing their latest gags.

The house, which will celebrate its 26th birthday September 1, was the leading theatre on the vaudeville circuit in its day.

The performers appeared before the WMCA microphone from 4 to 4:30 P. M. with Martin Starr as master of ceremonies. J. J. O'Connor, president in charge of theatres for RKO; C. B. McDonald, division manager, and Harry Mandel, director of theatre publicity, were in charge of festivities, together with John Cassidy, Fred Myers, Max Fellerman, Peggy Foldes, Ed Sniderman, Bucky Harris, Blanche Livingston, Hal Seroy and Bill Kernan.

Performers present included Harry Richman, Hardeen, Jay C. Flippen, Dave Apollon, Ben Blue, Radio Rogues, Milton Berle and his mother; Carner, Wolfe & Hakins, Sid Marion, Sid Gary, Bob Olin, Judy Canova, Billy Gould & Jay Brennan, Olie Olsen of Olsen & Johnson, Phil Silvers, Lew Hearn, Jackie Heller, Ward & Van, Al Raymond of Raymond & Caverly, Margot Crangle, Collins & Hart, Louis Spielman, Parish & Peru, Corinne, Rose Kessler, May Dupree, Dave Vine and Don Barclay.

AFA Will Get IA's Support; Green Silent

(*Continued from page* 1)

has been much closer to other A.F. of L. groups than has the 4-A.

A.F.A. has frequently entered into joint action with the musicians, stagehands, teamsters and waiters, while the 4-A group has largely been regarded as a union of professional people.

Informed union sources believe that these unions will now go to the aid of the A.F.A.

Officials of the 4-A yesterday were inclined to scoff at the proposed affiliation of the A.F.A. and the I.A.

American Guild of Variety Artists, newly-chartered branch of the 4-A, is continuing in its efforts to enroll members. An extension until tomorrow was obtained by 4-A attorneys to file briefs in opposition to the A.F.A. application for an injunction in the N. Y. Supreme Court.

SEC Reports Loach Stock in Monogram

WASHINGTON, July 24.—Thomas P. Loach held 400 shares of Monogram common stock and options for 6,173 shares of common when he became a director in that company June 27, it was reported tonight by the Securities and Exchange Commission.

The semi-monthly summary of the S. E. C. carried no reports of transactions of film company officers or directors in the securities of their corporations, but showed that Harry C. Butcher, Washington, CBS vice-president, disposed of 200 shares of Columbia Broadcasting Class A stock in May, wiping out his stock interest in the organization.

RKO Reorganizes Board Tomorrow

Meeting of the old RKO board of directors to elect and organize what will be the reorganized company's board will be held tomorrow in the event all remaining members of the old board are available then.

Original intention was to hold the meeting last Friday but Leo Spitz, one of the members of the old board, was called away for the week-end.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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NATIONAL *Screen* SERVICE

PRIZE BABY OF THE INDUSTRY

'Maisie' Yields Good $12,000 For Cleveland

CLEVELAND, July 24.—"Masie" took the lead here last week. It went twenty per cent over par at Loew's State to a $12,000 take.

"The Saint in London" at the Allen, only other new picture on the entertainment menu did well with $4,400.

"Man About Town" at Loew's Stillman, a move-over from the previous week at Loew's State, finished with par at $5,000.

"Daughters Courageous" in its second week at Warners' Hippodrome came through with $8,000. The RKO Palace played a split week with "Naughty But Nice' for four days and "Hell's Kitchen" for three days to a total take of $6,000.

Weather was clear and cool. For competition there was a weekly pop symphony concert, Cain Park Little Theatre and the usual outdoor park entertainments.

Total first run business was $35,400. Average is $36,000.

Estimated takings for the week ending July 21:

"The Saint in London" (RKO)
ALLEN—(3,000) (39c-35c-42c) 7 days. Gross: $4,400. (Average, $4,000)
"Daughters Courageous" (W. B.)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days, 2nd week. Gross: $8,000. (Average, $10,000)
"Naughty But Nice" (W. B.) 4 days
"Hell's Kitchen" (W. B.) 3 days
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $6,000. (Average, $8,000)
"Maisie" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $12,000. (Average, $10,000)
"Man About Town" (Para.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $5,000. (Average, $5,000)

N. J. Allied to Hold Conclave Sept. 6-8

Allied Theatre Owners of New Jersey will hold its 20th annual convention at the Ritz-Carlton Hotel, Atlantic City, Sept. 6 to 8. This is the week of the Beauty Pageant.

E. Thornton Kelly, executive secretary of New York Allied, has been appointed convention manager by the New Jersey unit. He will, among other things, have charge of the convention Year Book. Kelly formerly was with the New Jersey unit and has handled its conventions.

Lee Newbury of Belmar is chairman of the convention committee. Other members are Irving Dollinger, Linden, and Maurice Miller, Passaic.

New Jersey Allied will hold its next meeting Aug. 2 at Asbury Park.

'Ski Chase' for World

Hannes Schneider, famous skier, now in this country after his release from a Nazi concentration camp, is featured in "Ski Chase," produced by Sokal Films in Paris, will be released in this country shortly by World Pictures.

FP Post to M'Causland

HOLLYWOOD, July 24.—Harry Edington has named Alfred A. McCausland as vice-president and member of the board of directors of Famous Productions to release through Universal.

Hollywood Previews

"Frontier Marshal"

(Twentieth Century-Fox)

HOLLYWOOD, July 24.—Did your customers go for "Stagecoach"? Did they lay it on the line for "Dodge City"? If they did, the thing for you to do about "Frontier Marshal" is to remind them of this circumstance and go on from there. This is the story of Tombstone, Arizona (obviously, it couldn't be titled "Tombstone" without scaring the clients away) and it's as full of shooting, killing, roistering and romance as any recent film in its topical channel, fuller of legitimate story than most. Don't let the studio's lack of exploitation excitement about it deceive you—it's possible the studio didn't know what it had. The preview audience did.

Randolph Scott comes into his own as the shootin' sheriff who brings law to Tombstone by killing off the lawless residents. Cesar Romero hits a new wave length as the West's ace killer who strings along with the sheriff in the pinches. Eddie Foy, Jr., does a neat job with the single comedy part, impersonating the late Eddie Foy, Sr. Binnie Barnes finally gets a chance to swing her stuff, as the blonde blight of the bar rooms, and Nancy Kelly lives up to some of that premature publicity in the gentler feminine assignment.

The film is from executive producer Sol M. Wurtzel's desk and a tribute to his showmanship. Director Allan Dwan gave it full benefit of his veterancy, permitting nothing trivial to stop the rolling progress of his story, and Sam Hellman's screen play is as headlong as a stagecoach headed downhill. If the Tombstone, Ariz., of 1878 wasn't like the one pictured, it wasn't the place it could have been, and if it was, few of its then residents survive to give witness. Nobody but the sheriff and his gunman pals bereaved fiancee were still there at the fadeout, and they hadn't quite got together yet, which is an approximately perfect way to end a sure-'nough western sockeroo.

Running time, 70 minutes. "G." ROSCOE WILLIAMS

"In Old Monterey"

(Republic)

HOLLYWOOD, July 24.—Action and excitement, fun and music, romance, suspense and surprise are the constituents of this Gene Autry picture. Although in "In Old Monterey" Gene is seen as an army sergeant and he temporarily forsakes his horse for a fighting tank while bombing planes take up the chase, the story material used is of that type which elevated the Republic hero to eminence in the ranks of western stars. Shown as an unannounced "sneak" preview at the Criterion Theatre, Santa Monica, where never before has an Autry show adorned the screen, the diverse entertainment merit of "In Old Monterey" pleasantly surprised the audience.

While Autry, the Hoosier Hotshots and the radio hillbilly team, Sarie and Sallie supply the melody and lots of the fun, with Autry, Smiley Burnette, George Hayes and Jonathan Hale at the bottom of the melodrama and Autry, of course, sharing the romance with June Storey, the show is full of those audience pleasing elements that mean money at the box office.

The Army needs additional land for bomb-testing exercises, but the cattlemen and ranchers, headed by Hayes, want to retain their holdings. The Army is accused of bombing outrages that destroy settlers' property and Autry, aided by Burnette, discovers that the depredations are perpetrated by mine owner Hale. Thereupon, it doesn't take Autry long to convince the Hayes forces just who their friends are, after which Gene, in the tank, heads the U. S. Cavalry that routs the Hale contingent.

Running time, 65 minutes. "G." G. McC.

"G" denotes general classification.

Set CEA 1940 Meet

LONDON, July 24.—The 1940 conference of the Cinematograph Exhibitors Association will be held in Bournemouth, exclusive seaside resort on Britain's Hampshire coast. Harry Mears, Bournemouth Councillor and leader of the local C.E.A. branch will be president of the association.

Fox to Film Duffy's Life

HOLLYWOOD, July 24. — Twentieth Century-Fox today acquired the rights to the life autobiography of Father Duffy, chaplain of the famous 69th, and thereby caused Warners, which already had announced plans to film the story, to change its plans.

Anti-Ascap Bill Wins Favor in Wisconsin

MADISON, Wis., July 24. — The Senate Judiciary Committee has recommended passage of the Peters anti-Ascap measure.

E. F. Maertz, president of the I. T. P. A. of Wisconsin, and Charles Trampe, Milwaukee exhibitor, appeared before the committee in favor of the bill.

The measure would make it unlawful for two or more persons holding or claiming separate copyrighted works to band together or pool their interests for the purpose of fixing prices on the use of copyrighted musical numbers.

"Fiddle" Plays $34,600 Tune For Chicago

CHICAGO, July 24.—"Second Fiddle" brought sweet box-office music into the Loop last week and the Chicago, where the picture played, grossed a neat $34,600. The Oriental with "Swing Mikado" show on the stage and "Rose of Washington Square" on the screen did great business to garner $18,000.

Estimated takings for the week ending July 19-22.

"Goodbye, Mr. Chips" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. 4th week. Gross: $6,100. (Average, $6,500)
"Second Fiddle" (20th-Fox)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Vaudeville Revue. Gross: $34,000. (Average, $32,000)
"Man About Town" (Para.)
GARRCK—(900) (35c-40c-65c) 7 days. Gross: $6,200. (Average, $6,500)
"Rose of Washington Square" (20th-Fox)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: "Mikado in Swing." Gross: $18,000. (Average, $13,000)
"Stolen Life" (Para.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $10,600. (Average, $11,000)
"Within the Law" (M-G-M)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $13,800. (Average, $12,000)

'About Town,' $13,800, Tops in Pittsburgh

PITTSBURGH, July 24.—Cool weather and the Lions convention helped Triangle first-run theatres to their best grosses in two months. Leading the field was "Man About Town" with $13,800 for Loew's Penn, followed by "On Borrowed Time" at Stanley with $13,000. Almost sensational was $6,900 for second week of "Daughters Courageous" at Warner, and Alvin totalled $5,000 on a split week.

Estimated takings for the week ending July 20:

"Ex-Champ" (Univ.)
Conn-Bettina Fight Pictures
ALVIN—(1,900) (25c-35c-50c), 4 days. Gross: $3,500. (Average, 7 days, $7,000)
"Charlie Chan in Reno" (20th-Fox)
"Parents on Trial" (Col.)
ALVIN—(1,900) (25c-35c-50c), 3 days. Gross: $1,500. (Average, 7 days, $7,000)
"Man About Town" (Para.)
LOEW'S PENN—(3,600) (25c-35c-50c), 7 days. Gross: $13,800. (Average, $15,000)
"On Borrowed Time" (M-G-M)
STANLEY—(3,600) (25c-35c-50c) 7 days. Gross: $13,000. (Average with stage show, $17,000)
"Daughters Courageous" (W. B.)
WARNER—(2,000) (25c-40c), 7 days, 2nd week. Gross: $6,900. (Average, $4,500)

AFL Studio Ranks Split in CIO Battle

LOS ANGELES, July 24.—As United Studio Technicians Guilds continued their membership drive following the initial membership meeting Sunday, ranks of A. F. of L. crafts aligning to fight the invasion of the CIO-financed organization split today when Herbert Sorrell, business representative of Moving Picture Painters Local 644, declared himself out of the deal.

Sorrell walked out of a meeting of A. F. of L. representatives called by J. W. Buzzell, Central Labor Council executive secretary, following an argument over the question of propriety in his addressing the USTG meeting yesterday in which he purportedly said he would side with USTG and other rank and file groups until "democratic unionism is restored to all Hollywood locals."

Phila. Grosses At Good Level; 'Girls,' $19,000

PHILADELPHIA, July 24.—"Good Girls Go to Paris," plus a good variety show headed by Bert Lahr and Hildegarde, took the top figure of the town, passing $19,000 at the Fox.

Holding up well with $12,500 for its third week, "Goodbye Mr. Chips" earned a fourth stanza at the Boyd. "Daughters Courageous" finished at the Stanley for a fair second week at $11,000. "Saint In London" proved weak at the Earle to the tune of $6,000.

Total first run business was $62,600; the average is $69,900.

Estimated takings for the week ending July 20 are:

"Naughty But Nice" (Warners) 2nd run
ARCADIA—(600) (25c-42c-57c), 6 days. Gross: $1,500. (Average, 7 days, $2,800)
"Goodbye, Mr. Chips" (M-G-M)
BOYD—(2,400) (32c-42c-57c), 7 days, 3d week. Gross: $12,500. (Average, $14,000)
"Saint in London" (RKO)
EARLE—(2,000) (26c-32c-42c), 7 days. Gross; $6,000. (Average, $8,000)
"Good Girls Go to Paris" (Col.)
FOX—(3,000) (32c-37c-42c-57c-68c), 7 days. (6 days stage). Stage: Bert Lahr, Hildegarde. Gross: $19,000. (Average, $16,000)
"On Borrowed Time" (M-G-M)
KARLTON—(1,000) (32c-42c-57c). Gross: $3,300. (Average, $4,000)
"Captain Fury" (U. A.) 3d run
PALACE—(1,000) (26c-42c) 7 days. Gross: $3,800. (Average, $4,500).
"Daughters Courageous" (Warners)
STANLEY—(3,700) (32c-42c-57c), 7 days, 2nd week. Gross: $11,000. (Average, $14,000)
"Five Came Back" (RKO)
STANTON—(1,700) (26c-32c-42c), 7 days. Gross: $5,500. (Average, $7,000)

150 Attending FP Canadian Meeting

(*Continued from page* 1)

Thursday when a special luncheon, an afternoon of sports and the evening banquet with prominent industry executives as speakers are scheduled.

Speakers will include Barney Balaban, Paramount president; Hon. M. F. Hepburn, premier of Ontario; Hon. J. Earl Lawson, member of the Federal Parliament, and President Nathan L. Nathanson of the Famous Players Canadian Corp.

General managers of eight major Canadian film exchanges will speak at Thursday's luncheon to deliver messages on the new season's product.

Attended First Show In 1874, Last in 1939

Cincinnati, July 24.—A. V. Fuhrman, 89, of nearby Dayton, Ky., attended the initial stage performance of "Hamlet," which opened the old Grand Opera House here, Sept. 7, 1874, and Thursday night saw the final showing of "Good Girls Go to Paris" at the same theatre, the RKO Grand, which now is being demolished to make way for a new theatre. Fuhrman carried with him a souvenir program, printed on yellow satin, of the 1874 opening. He expects to see the first picture to be shown in the new house, when completed.

Hollywood Previews

"Badlands"

(RKO Radio)

HOLLYWOOD, July 24.—"Badlands" is a men-without-women picture. If one can remember back as far as "Lost Patrol," he may easily form a complete idea of the picture's entertainment character and its exploitation possibilities. The major locale is a waterhole in the Arizona desert and and the time coincides with that when the West was wild, rough and tough.

While trailing a murderer, a posse rounded up by Sheriff Robert Barrat which is continually harassed by marauding Apaches takes refuge at the waterhole. A valuable mineral deposit is discovered nearby and then as the forces of greed, cowardice and jealousy come into conflict with honesty, bravery and comradeship, death strikes quickly and mysteriously until the ranks of the posse are completely decimated and only Barrat, now almost a madman, is left alive to be saved by a rescue party.

Told in grim and forceful style with no concessions made to anything that might be light or pleasant, the piece is vividly acted by Barrat, Addison Richards, Noah Beery, Jr., Douglas Walton, Francis McDonald, Guinn Williams, Paul Hurst, Andy Clyde, Francis Ford and Robert Coote.

It is easy to see that story writer Clarence Upson Young and director Lew Landers had the gripping appeal of "Lost Patrol" in mind when they prepared and made the picture.

Running time, 65 minutes. "G." G. McC.

"The Spellbinder"

(RKO Radio)

HOLLYWOOD, July 24.—It's not easy to make a lot of implausible things seem possible, and even logical, but the way the job is done in "The Spellbinder" by Lee Tracy, Barbara Read, Patric Knowles, Morgan Conway, Linda Hayes, Allan Lane and others makes the show a believable piece of entertainment fiction. Some fact and quite a bit of wishful thinking are the substance of Joseph Anthony's original story which Thomas Lennon and Joseph A. Fields adapted with a good deal of imagination stretching, but which Jack Hively, who had the benefit of Cliff Reid's production experience, directed astutely.

Criminal Lawyer Tracy's forte is his ability to film-flam juries and hoodwink prosecutors and judges. Yet only because he has to does he take the job of defending and securing the acquittal of killer Knowles, who had brazenly informed him in advance that he was going to commit murder. This worthy shows his appreciation by eloping with Tracy's schoolgirl daughter, Miss Read. His reward is death at Tracy's hands. In court the lawyer makes no defense until his daughter is presented as a surprise witness. Then, to save her any embarrassment, he again spellbinds the jury, judge and district attorney as he pleads the unwritten law to save himself from execution.

Sophisticated audiences may view "The Spellbinder" as an attraction they can get along with or without; yet there's sufficient melodrama, comedy, suspense and human interest in it to hold attention of rank and file patronage.

Running time, 65 minutes. "G." G. McC.

"G" denotes general classification.

Skouras Theatres Set Product Deals

National Theatres' product deals for 1939-'40 have been set with Columbia, M-G-M and United Artists. Details are being worked out with the companies and are being discussed at the division managers' meeting being held here by Sypros Skouras, circuit chief.

David Idzal, operator of the Fox Detroit, arrived yesterday to attend the sessions. The six division chiefs, film buyers, bookers and others of the home office are sitting in.

"U" Closes Schine Deal

CLEVELAND, July 24.—Dave Miller, Universal district manager, has closed a three-year deal with George Lynch, booker for the Schine circuit, involving 150 theatres. Miller also concluded a deal involving 20 Comerford houses in New York state.

Completion of Code Anticipated Today

Additional strenuous hours were devoted yesterday to prepare the revised industry trade practice code for immediate submission to exhibitors.

The meeting scheduled yesterday between Ed Kuykendall, M.P.T.O.A. president, and William F. Rodgers, chairman of the distributors' code negotiating committee, did not take place yesterday due to the inability to finish the code.

It is expected that the code will be ready for presentation to Kuykendall today.

Safier Appointment

HOLLYWOOD, July 24.—Morris Safier, Grand National western division sales manager, today announced the appointment of Edward Safier as Denver branch manager, succeeding Glenn Gregory, resigned.

'Fiddle' Sets Good Detroit Pace on Dual

DETROIT, July 24.—The Fox led the field this week with "Second Fiddle" and "Danger Island" to take $15,000. Michigan ran a close second, getting $13,000 with "The Man Who Dared" and "Andy Hardy Gets Spring Fever."

Estimated takings for the week ending July 21:

"The Gorilla" (20th-Fox)
"Five Came Back" (RKO)
ADAMS—(1,700) (15c-40c) 7 days, 2nd run. Gross: $4,500. (Average, $5,000)
"Second Fiddle" (20th-Fox)
"Danger Island" (20th-Fox)
FOX—(5,000) (20c-55c) 7 days. Gross: $15,000. (Average, $10,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
"The Man Who Dared" (W. B.)
MICHIGAN—(4,000) (20c-65c) 7 days. Gross: $13,000. (Average, $10,000)
"Hell's Kitchen" (W. B.)
"Exile Express" (G. N.)
PALMS—(3,000) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)

Wash. Grosses Off; 'Chips' Best Again

WASHINGTON, July 24.—"Good-bye, Mr. Chips," a holdover at Loew's Palace, led the town for the second consecutive week, taking $13,500. "The Kid from Kokomo," with $6,000 at the Warners' Met, was the only other attraction to better par in an unusually brutal week.

Estimated takings for the week ending July 20:

"They All Come Out" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-66c), 7 days. Stage: Milt Britton and his band. Gross: $12,500. (Average, $16,500)
"Tarzan Finds a Son" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c), 7 days. 2nd run. Gross: $3,400. (Average, $4,500)
"Good-bye, Mr. Chips" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. 2nd week. Gross: $13,500. (Average, $12,000)
"Clouds Over Europe" (Col.)
RKO-KEITH'S—(1,836) (25c-55c), 7 days. Gross: $5,300. (Average, $6,000)
"Daughters Courageous" (W. B.)
WARNERS, EARLE—(2,218) (25c-66c), 7 days. 2nd week. Stage: Lake Placid Ice Follies. Gross: $13,500. (Average, $16,000)
"The Kid from Kokomo" (W. B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c), 7 days. Gross: $6,000. (Average, $4,000)

'Chips' Leads Field Again in New Haven

NEW HAVEN, July 24.—Second week of "Good-bye Mr. Chips" and "Parents on Trial" at the College made the best showing at the downtowns, taking $4,000, over the usual by $1,300. The house is the only one of the downtowns with no air-conditioning. Theatremen and farmers continue to complain about lack of rain.

Total first run business was $19,300. Average is $19,400.

Estimated takings for the week ending July 21:

"Good-bye, Mr. Chips" (M-G-M)
"Parents on Trial" (Col.)
COLLEGE—(1,499) (35c-50c), 7 days. (2nd week). Gross: $4,000. (Average, $2,700)
"Second Fiddle" (20th-Fox)
"Mr. Moto Takes a Vacation" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c), 7 days. Gross: $7,000. (Average, $8,000)
"Man About Town" (Para.)
"Bulldog Drummond's Bride" (Para.)
PARAMOUNT—(2,348) (35c-50c), 7 days. (2nd week). Gross: $2,800. (Average, $4,000)
"Daughters Courageous" (F. N.)
"For Love or Money" (Univ.)
ROGER SHERMAN—(2,200) (35c-50c), 11 days. Gross: $5,500. (Average, $4,700)

Studios Keep Pace with 38 Pictures Busy

HOLLYWOOD, July 24.—Thirty-eight pictures were before the cameras this week, as 14 finished and 11 started. Fourteen were being prepared, and 85 being edited.

Started were: "Henry Goes to Arizona," "Dancing Co-ed," M-G-M; "Oklahoma Terror," Monogram; "Diamonds Are Dangerous," "Medicine Show," Paramount; "Three Sons," RKO; "Wall Street Cowboy," Republic; "Rio," "Missing Evidence," "One Hour to Live," Universal; "Lady Detective," Warners.

In addition to these, shooting were: "Five Little Peppers and How They Grew," "Conga," "Prison Surgeon," untitled western, Columbia; "The Real Glory," Goldwyn; "A Day at the Circus," "Ninotchka," "Balalaika," "Another Thin Man," M-G-M; "Are Husbands Necessary?," "Dr. Cyclops," "The Light That Failed," "Our Neighbors, the Carters," "Untamed," Paramount; "The Hunchback of Notre Dame," "Allegheny Frontier," RKO; "Dick Tracy's G-Men," Republic; "Here I Am, a Stranger," "Drums Along the Mohawk," "Tin Hats," "City in Darkness," 20th Century-Fox; "First Love," Universal; "Eternally Yours," Wanger; "On Your Toes," "20,000 Years in Sing Sing," "The Roaring Twenties," "We Are Not Alone," Warners.

Finished were: "Blackmail," M-G-M; "Irish Luck," Monogram; "Seventeen," Paramount; "The Day the Bookies Wept," "Fighting Gringo," RKO; "Midnight Flight," Republic; "The Housekeeper's Daughter," Roach; "Intermezzo," Selznick; "Hollywood Cavalcade," "The Adventures of Sherlock Holmes," "Frontier Marshal," 20th Century-Fox; "The Underpup," "Modern Cinderella," "Outlawed Marshal," Universal.

Columbia and Warners each started a short subject. Four are being prepared, and eight are being edited.

Boost Health Week

MEXICO CITY, July 24.—Mexican radio stations have joined a network for a big boost of the Government-sponsored National Health Week, Oct. 2 to 8.

Theatre, Personnel Notes

New House for Victoria, Texas

VICTORIA, Tex., July 24.—The Long-Griffith theatre interests, owners of the Rita and Queen here, will construct a new theatre here at a cost of approximately $100,000. It will have a seating capacity of 1,200.

Sells Theatres; To Retire

DENVER, July 24.—John Anderson of Fort Morgan, Colo., is making another effort to retire from the theatre business. This time he has sold his Cover and U. S. A. theatres in Fort Morgan to J. C. Parker, who also operates in Texas. A few years ago Anderson sold to Edwin Bluck and retired to California, but the theatre lure was too strong and he soon bought the houses back.

Ross Service Enlarges Office

CHICAGO, July 24.—Ross Federal Service, due to increased business in their credit research department, has enlarged their offices in the Buckingham building, Walter I. Brown, local manager, announces.

Manages Remodeled Geneva

GENEVA, Ill., July 24.—Truman "Bud" Moulder, is manager of the Geneva Theatre which has just been remodeled. The Geneva was formerly known as the Fargo theatre.

Hughes Buys Illinois House

LEWISTOWN, Ill., July 24.—M. W. Hughes, has purchased the Colonial theatre from Earl Weber. Plans for a second theatre here have been abandoned. Mr. Hughes will take possession of the theatre September 1.

New Shelbyville, Ill., Manager

SHELBYVILLE, Ill., July 24.—Chas. Beninati, replaces Randolph Pedrucci as manager of the Roxy theatre here. Pedrucci joins the Frisina circuit in Springfield.

Giroux in New Castle Post

NEW CASTLE, Ind., July 24.—Fred A. Giroux of Bloomington has been named manager of the Royal theatre which has been thoroughly remodeled. Giroux was formerly a theatre manager in Gary at the Gary theatre.

Theatre to Get Air Conditioning

SAN BENITO, Tex., July 24.—The Rivoli, of which E. F. Brady is manager, is being air-conditioned at a cost of approximately $10,000.

Remodel Decorah, Ia., House

DECORAH, Iowa, July 24.—H. E. Engbertson, who recently bought the Lyric theatre has remodeled it with a new metal front, new neon lights, and new lights in the interior.

Lewisburg Opening Aug. 28

LEWISBURG, W. Va., July 24.—The Lewis theatre, owned and operated by the Kanawha Theatre Co., Inc, will be opened August 28. Seating capacity is 650. F. L. Helwig is resident manager.

Fire Destroys Theatre

GRIGGSVILLE, Ill., July 24.—Fire destroyed the Wade theatre here last week. A short circuit in the projection room was given as the cause of the blaze. Plans for a theatre to replace the Wade have not been announced.

Gets Air Conditioning

ANGOLA, Ind., July 24.—An air conditioning system has been installed in the Brokaw theatre here which makes this house one of the most modern in this vicinity.

New Theatre in Illinois

BLANCHARDVILLE, Ill., July 24.—T. J. Warren has purchased the Haldiman-Ingwell building and will remodel the first floor for a modern theatre. Detailed plans for the theatre will be announced soon.

Buys Controlling Interest

VIRGINIA, Ill., July 24.—Joe Reilly has purchased the controlling interest in the Virginia, Ashland and Chandlerville theatres from F. M. Mertz and will take over the exclusive management of these theatres. Mr. Reilly is a sound equipment expert and plans to install new sound equipment in some of these theatres.

Final Touches on Theatre

LOUISVILLE, Ill., July 24.—Final touches are being put on the Louise theatre which will open soon. The seats and projection equipment have been installed and the all-glass front is now being completed.

Remodeled, Gets New Name

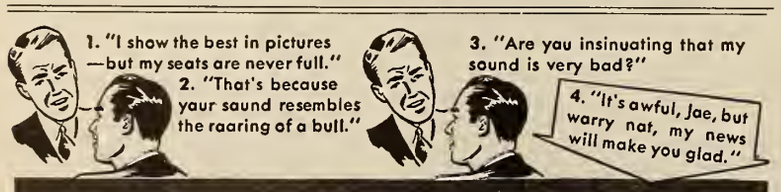
OSHKOSH, Wis., July 24.—The old Rex theatre having been completely remodeled has now reopened as the Time theatre. A new front, air conditioning and other changes were made by the Swirnoff-Marcus Amusement Co. Charles Low will manage the theatre.

Theatre Near College

MUNCIE, Ind., July 24.—Work on the new theatre to be operated by Leonard S. Sowar, will be started soon, according to Mrs. A. L. Kitselman, owner of the property at University Ave. and Martin St. George S. Schrieber is the architect and Albert Glaser is the contractor. A city re-zoning order made possible the building of the theatre on the site which is near Ball State College. A two-story office building will be part of the theatre structure.

First Groton, Conn., Theatre

GROTON, Conn., July 24.—John C. Hess and Mrs. Hess, operators of the Moosup Theatre, have broken ground for a 500-seat house at Groton, which has had no theatres heretofore.



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Alabama Suit Charges Film Monopolies

BIRMINGHAM, July 24.—The Buchanan Amusement Co. and M. M. Buchanan, president, have brought suit in U. S. District Court here for $100,000 damages against 11 defendants accused of conspiring to monopolize the motion picture business in Athens, Ala., in violation of the Federal anti-trust laws.

Defendants in the suit are Muscle Shoals Theatres, Inc., and Louis Rosenbaum, its president; Crescent Amusement Co., Inc.; Paramount Film Distributing Corp.; RKO Radio Pictures, Inc.; Warner Brothers Pictures, Inc.; Vitagraph, Inc.; 20th Century-Fox Film Corp.; Loew's, Inc.; Metro-Goldwyn-Mayer Corp. and United Artists Corp.

The suit charged that Crescent and Muscle Shoals entered into a scheme to prevent the opening of a house which Buchanan was remodeling "with deliberate and avowed purpose of putting the plaintiff out of business."

These two defendants are alleged to have conspired with the other defendants not to sell him pictures, at least pictures which would justify operation. The plaintiff further alleges United Artists refused to carry out a contract to supply him with pictures except to offer him old film which had been rejected by Crescent.

38th Theatre Added To Gibralter Circuit

DENVER, June 24.—With the purchase of the Midwest theatre at Midwest, Wyo., Gibralter Enterprises will have 38 theatres in their string. The house seating 448, has been closed for a $5,200 job, including new seats, carpets, ventilating system, etc.

The house, when reopened will be operated through the Ed Schults group, one of the Gibralter companies. Charles R. Gilmour, president of Gibralter, organized the company a few years ago with several prominent theatre men in the Denver area. Gilmour is president of Theatre Owners and Managers of the Rocky Mountain Region.

Levy, Ferri to End Kent Tour Friday

Morton A. Levy, 20th Century-Fox district manager in Minneapolis, and S. R. Kent Drive leader, and Roger Ferri, editor of the *Dynamo,* company publication, are due Friday from an extended tour of branches in connection with the drive.

The two have been on the road since early this month. Today they will hold a meeting at the Montreal branch, with meetings scheduled for Boston, New Haven and Albany. The exchange meeting here Friday will wind up the first swing around the branches for the drive.

TMAT Hearing Today

Formal hearing on the petition for certification of Theatrical Managers, Agents and Treasurers Union in the Rugoff & Becker circuit is scheduled for 2 P. M. today at the offices of the State Labor Relations Board.

Hollywood Brevities

HOLLYWOOD, July 24.—Following a disagreement over roles, Paramount and Lloyd Nolan today settled their differences.

According to studio information, Paramount desired to continue Nolan in villainous characterizations while player demanded sympathetic parts. Nolan recently completed "The Magnificent Fraud," in which he was substituted for George Raft, who secured his release from Paramount over a similar argument.

Nolan is slated to appear in "Broken Heart Cafe" and "Emergency Squad."

Sol C. Siegel will take the recently headlined case of the Federal Theatre Project direct to the people by making it the subject of Republic's "Hit Parade of 1940." He is supervising story preparation with instruction to the scripters to take the "sympathetic side of the question."

Warners had 57 stars and featured players under contract as of last weekend and were working 63 writers, 15 directors.

Bill Hebert, Selznick-International's publicity genius, read columnist Heywood Broun's classified want ad in a N. Y. paper and promptly wired him an offer of a job in his department.

Contracts—Donald Crisp, Dick Foran and Dennis Morgan have new Warner tickets. . . . Farciot Edouart, head of the Paramount transparency department since 1929 and Paramount cameraman 14 years before that, has signed a new contract with the studio. . . . Nora Perry and Mary Beth Hughes, players, and Waldo Salt and Hugo Butler, writers, drew M-G-M contracts this week.

Title Troubles—Paramount has rechristened "Ruler of the Seas" "Rulers of the Sea" and now all the nations possessing merchant marines can be happy about the whole thing. . . . Warners have changed "Steeplechase" to "Gantry the Great," "Queer Money" to "Smashing the Money Ring," "Invitation to a Murder" to "Lady Detective," and "Torchy—Playing with Dynamite" to "Torchy Plays with Dynamite."

Players—Jean Parker has been signed by Boris Morros for the lead opposite Laurel and Hardy in "The Flying Deuces," RKO Radio. . . . Leon Errol dances again in M-G-M's "Dancing Co-Ed." . . . Fred Stone, Rochelle Hudson and Robert Warwick go into Columbia's "Konga." . . . Roy Rogers is back at Republic following a personal appearance tour and busy in "Wall Street Cowboy." . . . Lya Lys gets a featured part in Warners' "The Fighting 69th." . . . Jackie Coogan draws a major role in Monogram's "Sky Patrol."

Roy Stewart Dead

TERRE HAUTE, Ind., July 24.—Roy H. Stewart, 57, died at his home here after a year's illness. He was with the Indianapolis branch of National Theatre Supply Co. for 10 years. The widow, a daughter and a sister survive.

From Chicago Film Row

By WILLIAM CROUCH

CHICAGO, July 24.—Latest development in the furore over the legality of the NBC radio show "Dr. I. Q.", a quiz program in which the winners get cash prizes, is the filing of an injunction to restrain the city from stopping the program from being broadcast from the Chicago theatre.

The injunction was filed in Circuit Court of Cook County by the Grant Advertising Agency, which handles the advertising of Mars, Inc., sponsors of the program. Judge Rush granted the injunction.

Chicago's Corporation Counsel Barnet Hodes informed B. & K. last week that his office thought the program was a game of chance. The chance element entered in by the selection of who the contestants would be, by the announcer. If the person selected to answer the question asked, did so correctly he was given a cash prize the amount of which varied.

Trial date for the case has not been set. B. & K. officials anxious not to have anything to do with a program that was questionable as to legality, had planned to drop the program this week. All advertising was pulled early last week. If the program is held illegal here it will be broadcast from some theatre downstate where a city ordinance such as the one here does not exist.

It was the same ordinance that caused Bank Night to be ruled illegal here along with other giveaway games.

Hundreds of exhibitors and film people today attended the opening of the new Fox exchange building and that adjoining it which houses Henri Elman's Capitol-Monogram exchange. Huge bouquets decorated the entire Fox building which is one of the finest exchanges in the country. It is entirely air-conditioned.

Depositions in the suit which Frank Ford has filed in Federal Court against B. & K., the major film companies and Sam Myers, independent exhibitor, will be taken from exchange and theatre officials starting Thursday. The hearing will be in the office of Lewis Jacobson, attorney for Ford, who operates the Stadium theatre in Evanston. This anti-trust suit was filed some months ago by Ford who claims he is having trouble getting product for the theatre.

A "Splash Party" will be held jointly by the Film Bookers Club and the Chicago Film Industry Women's Club at the Medinah Club, on August 16. The party starts at 7 p. m. and accommodations for swimmers and spectators have been reserved. Numerous prizes will be awarded.

Several weeks ago the two clubs held a joint meeting which featured a "quiz" contest. Top honors were taken by the ladies.

A Film Row Orchestra is now being formed by several members of the local cinema community. Lou Abramson of Allied, is desirous of hearing from film industry folk who play some sort of instrument and wish to join the new musical group.

Gradwell Sears, Warner sales executive, spent a few days here last week conferring with B. & K. officials regarding release of Warner's new season's product. The Warner franchise with B. & K. has two years to run, it is understood, so few changes in release plans are contemplated. Ben Kalmenson, Henry Herbel and Tom Gilliam sat in on the conferences.

H. M. Richey, RKO exhibitor relations expert, spent the weekend in Chicago conferring with Walter Branson and Jack Osserman regarding several local situations which need attention.

Theatre boxoffices took it on the chin Sunday. The double-header between the Chicago White Sox and the N. Y. Yankees was the main reason. Fifty-five thousand attended the games and thousands were turned away. A checkup of radio surveys indicated that the listening audience was the largest reported this year. The excellent weather and the Western Open Golf tourney at Medinah Country Club also had effect on theatre business.

With the United Artists theatre opening its doors last week after being dark for two months speculation as to the opening date of the Palace theatre is now rife. RKO officials here and exchange officials as well say that no opening date has been set. It is understood that a new lease with the Eitel interests which own the Palace building will have to be made before the theatre opens.

New Libson Theatre To Rise in Cincinnati

CINCINNATI, July 24.—The former *Times-Star* building, in a prominent downtown location, abandoned a few years ago when the daily moved into its new quarters, will be razed and the site converted into a 700-seat "intimate" theatre in addition to store rooms. The theatre will be operated under a long-term lease by Gifts, Inc.,, of which Ike Libson is president. His brother, Abe Libson, is vice-president, and Ben L. Heidingsfeld, attorney, secretary-treasurer.

Film Leaders Silent Upon Spanish Rules

Heads of major company foreign departments declined to comment yesterday on the new film import regulations announced in Spain last week, asserting that they have received no official notification from either the Spanish Government or their European representatives.

Several indicated that they regarded phases of the proposed regulations as published in MOTION PICTURE DAILY yesterday to be "severe," particularly the quota and financial proposals. They added, however, that no official stand could be taken until they had been notified of the regulations by Spain or their own representatives.

Illinois Duals Bill Favored By Goldwyn

(*Continued from page* 1)

would virtually kill double features in Milwaukee County.

The Illinois bill aimed to stop duals was sponsored by Rep. Sandquist who claims that independent exhibitors and Parent Teacher groups asked that he enter the bill. Passage of the measure surprised him very much, he said.

Al Steffes, interviewed at the Eckhardt dinner tonight, said that Northwest Allied plans to have film limitation legislation entered in Minnesota. Bills will be similar to the one passed in Illinois.

In Minnesota, though, Steffes explained, bills will be presented in various cities for passage as city ordinances instead of putting them through the legislature. This will assure immediate action, Steffes said.

Goldwyn Announces "Great Music Festival"

Plans for production of "The Great Music Festival," employing some of the world's best musical talent, were discussed with the press yesterday by Samuel Goldwyn on his arrival in New York from the Coast.

"I intend to bring to Hollywood some of the great artists of Europe, particularly those who have no place now in which to express themselves," Goldwyn said after settling down for the remainder of the week in a top floor apartment of the Waldorf Towers, to which the press was admitted in relays for interviews.

Questioners, however, were not permitted to go beyond Goldwyn's production plans. All inquiries concerning his views on future releasing arrangements were ignored.

The producer compared his large-scale musical production to the Salzburg Festival. It will represent American as well as European music and musicians, he said, and will utilize an orchestra of 100 children chosen for their ability from all over the world. Arturo Toscanini will be invited to direct the musical features and selection of artists and orchestra personnel may be in charge of Deems Taylor, with whom Goldwyn is negotiating. The musical features will be incorporated in a story for the production, Goldwyn said.

The producer added that work may not be started on the picture for another year. In the meantime, his studio is busy preparing for production of "Raffles" and a film based on the life of Hans Christian Andersen, he said.

Goldwyn resolutely refused to discuss his releasing plans for these pictures, asserting that the subject of his association with United Artists following delivery of "The Real Glory," with Gary Cooper, is "in the courts and will be decided there."

Goldwyn was accompanied here by his wife and son. He said the only reasons for the trip were his interest in the opening of "They Shall Have Music" at the Rivoli tonight and his son's wish to see the World's Fair and a few major league baseball games.

Queried Sunday while passing through Chicago, Goldwyn declined to say whether he would confer with President Roosevelt while in the East, as reported there.

New Network To Challenge CBC Control

TORONTO, July 24.—A challenge to the increasing control of radio operations in the Dominion by the Canadian Broadcasting Corp. is seen in the incorporation under the Companies Act of the International Broadcasting System, the stated purpose of which is to construct, equip and operate private broadcasting stations in Canada and elsewhere and to establish a network of private stations.

The named incorporators include Britton Osler and John Osler, prominent lawyers of Toronto, and the new company lists its headquarters as Toronto.

According to the regulations of the Canadian Broadcasting Corp., which is backed by the Dominion Government, application must be made to the CBC for any broadcasting privileges throughout the country. Officials of the CBC declare that no such application has been received and it is rumored that the International Broadcasting System will make a test of Government control of the air which will shortly become practically a monopoly in the taking over of the supervision of private independent stations in September, the latter being prohibited from accepting contracts for any commercially sponsored progams except through the offices of the CBC. Further, CBC is placing its network service in the private stations at charges to be determined.

The newly incorporated International Broadcasting System looms as fresh opposition to the Canadian network and a battle, both political and legal, may develop over the question of a permit to operate from the CBC. The Government could not decline to issue a company charter to the new enterprise but permission to broadcast is an entirely different point. It is obvious that the CBC is frowning upon any expansion by private broadcasting interests in the Dominion, and with Federal elections about to be announced the matter may become an issue.

Plan Government Series

New series under the auspices of the Office of Government Reports, which sponsored the recorded talks by the president and the members of the cabinet, will start over WHN tonight at 10 P. M. John M. Carmody, administrator of the newly created Federal Works Agency, will be the first speaker. The heads of various government agencies will participate in subsequent broadcasts.

Radio Incorporations

HOUSTON, Texas, July 24.—Houston Broadcasting Corporation has been incorporated by R. E. Wilson and several associates. Dallas Broadcasting Corporation has been formed at Dallas by R. E. Wilson, Earl Cullum and T. W. Davis.

New Husing Series Set

Ted Husing will begin a new weekly series of sports resumes called "That's What I Said," starting Aug. 1, at 7:15 P. M. Husing is to be assisted by James Dolan.

BANNER RADIO LINES

By JACK BANNER

COMPTON PROMOTES . . . John E. McMillan, head of radio of the Compton agency, and Gordon Aymar, head of the art department, have been elected vice-presidents of the agency.

▼

ALIBI EXPERT ON AIR . . . Don Peterson, radio producer, recently had an idea for a radio program based on alibis. He put a classified ad in the newspapers stating he was in the business of supplying alibis to those who need them, and a raft of publicity ensued. Before Peterson could do anything about getting his program on the air, CBS came forth with a show based on a similar idea, and Peterson, although he didn't like to do so, dropped the alibi thought. Young & Rubicam, however, has made him resurrect it, and he'll be on "We, the People" this evening to tell all about it.

▼

FROM FATHER COUGHLIN . . . Alfred J. McCosker, president of WOR and chairman of Mutual, on Sunday received the following communication from Father Charles E. Coughlin, a statement which was announced on the radio priest's hour:

"Our announcer will say on Sunday, among other things: 'Although the Mutual Broadcasting System offered time for seven and a half minutes independent of any commercial sponsor with which to answer the attacks made against him by Mr. Elliott Roosevelt, nevertheless Father Coughlin has declined to accept the offer. It is better, so thought the Royal Oak pastor, to take advantage of this occasion by permitting his eminent friend and brilliant co-worker, Rev. Edward Lodge Curran, president of the International Truth Society, to address Sunday's audience.'"

▼

"PA" BENNETT . . . Richard Bennett, dad of the screen's Bennett girls, is having a fling at radio this season. He is now starring in a dramatic serial, "The Clock Maker," over WIP in Philadelphia, and is being assisted by players from the Bucks County Playhouse.

▼

PERSONALS . . . Frank Braucher, vice-president of WOR, and Mrs. Braucher, left yesterday for the White Mountains where they will spend their vacation. . . . Ed Thorgersen's sports resumes over Mutual the coming Fall and Winter will be sponsored by the Congress Cigar Co. for La Palina cigars. . . . Alfred J. McCosker, Johnny Johnstone of WOR, and Abe Schechter of NBC, by plane to Washington yesterday to attend the opening of the Radio press galleries in the House. . . . "Betty and Bob," the Chicago script serial, moves to New York next week. . . . George Fisher will move East shortly to present his "Hollywood Whispers" from New York. . . . Frank Weber, Mutual network's general manager, is off to Chicago for a few days. Irving Parker of Radio Feature Service, Hollywood, in town for a week conferring with Earle Ferris.

CHICAGO Radio Notes

CHICAGO, July 24.—"Knickerbocker Holiday" after 16 weeks over CBS goes off the air Wednesday, August 9. The program which featured stars of stage and screen was sponsored by Procter & Gamble.

Hal Tate, radio gossiper, is doing a Hollywood Tattler program over WJJD. A washing machine company sponsors.

P.G.A. restrictions caused NBC to broadcast the Western Open Golf tournament from outside the confines of the Medinah Country Club grounds last weekend. CBS with Ted Husing at the microphone had full use of the club's facilities for their broadcasts some of which were from a portable transmitter with Bob Cunningham in charge. Hal Burnett made the arrangements for CBS.

Foster Joins CBC

TORONTO, July 24.—A move long awaited by sport followers of the Dominion has been made by CBC, in the appointment of Harry "Red" Foster, pioneer sports announcer of Toronto, as a staff sports commentator of the CBC national network starting with a "Weekly Sports Parade" every Friday night at 10 o'clock.

CBC Opens Large Station Saturday

TORONTO, July 24.—Completing the series of large regional transmitting stations across the Dominion, the Canadian Broadcasting Corp. will open its new 50,000-watt Prairie transmitter, Station CBK, at Watrous, Sask., next Saturday, July 29, with a ceremonial program in which the studio will be dedicated by Hon. C. D. Howe, Canadian Minister of Transport.

Features will be a telephoned address from London, England, by Leonard W. Brockington, chairman of the Board of Governors of CBC who is on a visit to the British Isles, and a speech from New York City by William S. Paley, president of CBS. Included in the program are the Premiers of the three Prairie Provinces, Hon. John Bracken of Manitoba; Hon. W. J. Patterson of Saskatchewan and Hon. William Aberhart of Alberta.

The wave length assigned to Station CBK is 540 kilocycles. The final letter "K" in the station's call letters commemorates Henry Kelsey, explorer, soldier and fur trader, who was the first white man to see the Canadian Prairies in the 17th Century and eventually became Governor of the Hudson's Bay Company.

Following the opening program at 10 P. M., E.D.T., tribute programs will be broadcast for two hours from important CBC stations from Winnipeg, Toronto, Montreal and Vancouver over the national network.

Radio Firms In Television Corporation

Radio Wire Television Corp., embracing the former holdings of Wire Broadcasting, Inc., Wholesale Radio, Inc., and various subsidiaries of these enterprises, has been formed by John E. Otterson, formerly president of the Winchester Repeating Arms Corp., Erpi, and Paramount Pictures will head the new company as president. J. R. West, president of Wire Broadcasting, and A. W. Pletman, president of Wholesale Radio, are vice-presidents of the new company.

Under the new corporate structure, the various retail outlets of Wholesale Radio will take the name of the parent company. Wire Broadcasting, together with its principal subsidiaries including Teleprograms, Inc.; Telemusic, Inc.; Wire Programs, Inc.; Muse-Art, Inc.; Wire Broadcasting, Inc., and Television-Music Corp., will continue under their present titles. Latter enterprises operate as wire networks, supplying musical programs to hotels, restaurants, night clubs, homes and industrial plants.

In addition to these operating subsidiaries, the new company acquires full interest in Transformer Corp. of America, a manufacturing unit; Tele-Capital Corp., a financing unit; and Syndak Corp. Latter is understood to own a large group of patents relating to motion picture projection, sound and lighting. These units will also continue to operate under separate corporate titles.

In addition to the patents acquired by the new company, the organization is licensed by Erpi.

Latin America Gives Record for 'Juarez'

"Juarez" has set a record for playing time for Warner pictures in Latin America, the foreign department reported yesterday. More than 4,700 theatres have already shown the film, which is in the early weeks of its distribution there. "Adventures of Robin Hood" was shown by about 4,200 houses in Latin America during a comparative period.

New 'Sherlock' Series

"Sherlock Holmes," a new radio series which will star Basil Rathbone, has been signed for 26 weeks over NBC this fall for Grove Laboratories, former sponsor of Fred Waring. Edith Meiser will write the scripts, and Tom McNight will produce. The account was placed by the Stack-Goble agency.

Leo Jr. to Culver

At the World's Fair Saturday, Leo Jr., three month-old lion cub selected to act as audible trademark for M-G-M's future short subjects, was officailly inducted into the M-G-M fraternity and sent on by airplane to the Culver City studios to start his film career.

Grainger Back Tonight

J. R. Grainger, president of Republic Pictures, left Saturday for conferences with branch managers at Atlanta and franchise holders at Dallas. He will return tonight.

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N. Y. Circuits Watch TMAT Case Hearing

Ruling Likely to Affect Hundreds of Theatres

First formal hearing before the N. Y. State Labor Relations Board on question of certification of Theatrical Managers, Agents and Treasurers Union as collective bargaining agency started yesterday before Trial Examiner John Levy with the Rugoff & Becker circuit as respondents.

The case is generally regarded as a test suit to determine whether T. M. A. T. is to be certified on the basis of individual corporations operating particular houses, or on the basis of a complete circuit.

Rugoff & Becker contend that the separate corporate entities constitute the proper basis as there are differing interests in many of the houses. The union, on the other hand, argues that managers and assistants received their orders from one source and that it should be certified on the basis of an election of all employes of the circuit.

Thirteen houses are involved in the hearing. They include the Avenue U, Rugby, Avenue D, Surf, Tuxedo, Granada, Oceana and Sheepshead, Brooklyn; 8th Street Playhouse, Manhattan; Gem, Far Rockaway; Laurel and Lido (closed), Long Beach; and

(*Continued on page 5*)

'Each Dawn' Nears $50,000 Strand Toll

"Each Dawn I Die" is setting a fast pace at the Strand with a gross of over $50,000 indicated for the week, and a likelihood that it will set a new house record since inauguration of the name band policy. A three-week run is assured and there is a strong possibility that it may go a fourth.

"The Magnificent Fraud" grossed an estimated $40,000 at the Paramount and is held over for a second week. In its 10th week at the Astor, "Goodbye, Mr. Chips" drew an estimated $12,000. "Waterfront" at the Globe grossed an estimated $5,900.

World premiere of "Stanley and Livingstone" has been set for Aug. 4 at the Roxy. "Frontier Marshal" will go in there Friday after four weeks for "Second Fiddle."

"Winter Carnival" starts at the Music Hall Friday. World premiere of "They Shall Have Music" took place at the Rivoli yesterday and its regular run starts there this morning.

New RKO Board Slated To Elect Officers Today



R. C. Patterson



George J. Schaefer

Election of officers of Radio - Keith - Orpheum, parent company of RKO, is scheduled today by the new board of directors, providing authorization for such a meeting has been obtained from Federal Judge William Bondy.

A petition to hold such an election by the new directors was to have been presented yesterday to Judge Bondy.

Officers to be elected include George J. Schaefer, president; Richard C. Patterson, chairman of the board; Peter N. Rathvon, chairman of the executive committee, and Charles E. Richardson, treasurer. Schaefer has been serving as president of RKO Radio Pictures, the principal operating subsidiary, and other RKO subsidiaries, but becomes president of the parent company for the first time with today's election.

Hearing on Trust Trial Date Delayed

Government's motion for a preference on the Federal court trial calendar for its anti-trust suit against the industry, which was scheduled for hearing yesterday before Judge John C. Knox, was postponed to Aug. 1.

Defense attorneys are scheduled to meet with Paul Williams, Assistant to the Attorney General, on Friday and again next Monday to explore the possibility of the two sides agreeing on a date for start of the trial.

The Government has mentioned Nov. 1 as a proposed trial date, but this is regarded in legal circles merely as an arbitrarily selected date at which the Government would begin bargaining for a mutually agreeable one.

Industry attorneys have mentioned a number of dates ranging from late next Spring to the Fall of 1940 which, contrasted with the Government's suggestion, indicates the possibility of a compromise on a mid-Winter trial date.

Postponement of yesterday's hearing before Judge Knox was attributed to the absence from the city of a number of company attorneys who are occupied with a preliminary legal skirmish in the so-called Gittone anti-trust suit in Federal court, Philadelphia, in which Warners Theatres and major distributors are defendants.

Studio Unions Win Rulings by NLRB

WASHINGTON, July 25.—National Labor Relations Board today issued four orders designating collective bargaining agencies in as many labor segments of the film industry.

The board certified the Society of Motion Picture Art Directors as the sole agency selected by a majority of chief art directors, unit art directors and follow-up men employed by Columbia, RKO, 20th Century-Fox, M-G-M and Paramount.

Elections will be held within 20 days among similar employes at Universal, Warners and United Artists to determine whether they also desire to be represented by the Society.

Publicity department employes at

(*Continued on page 6*)

Premiere of 'Music' Lures N. Y. Notables

Samuel Goldwyn's "They Shall Have Music" (United Artists) had its world premiere at the Rivoli last night before a large and distinguished "first night" audience.

Preview of the picture, which marks the screen debut of Jascha Heifetz, world-famous violinist, was for the benefit of the Greenwich House Music School and the High School of Music and Art. In the audience were 50 prize students of Federal Music

(*Continued on page 10*)

Code Ready For Adoption By August 9

More Changes Suggested By Kuykendall

A completed trade practice code with definite information on the first arbitration boards which will be set up and the mode of putting the code provisions into effect will be placed in exhibitor hands by Aug. 9, William F. Rodgers, chairman of the distributors' negotiating committee, told Ed Kuykendall, M. P. T. O. A. president, yesterday.

Rodgers disclosed that considerable work remains to be done on the code but that distributors hope to have it finished within two weeks. Work will be begun thereafter on the formation of local arbitration boards, all of which may be functioning by Sept. 1. All provisions of the code will be retroactive to cover new seasons' contracts from their beginning.

At his meeting with Rodgers yesterday, Kuykendall advanced suggestions for further code changes desired by M. P. T. O. A. At the conclusion of the meeting he stated that, while the final draft will not contain everything that M. P. T. O. A. is advocating, it will at least be "more acceptable" than the previous one.

Kuykendall stated that the arbitration section has been improved and

(*Continued on page 9*)

Philadelphia Trial Hits at Monopolies

PHILADELPHIA, July 25.—Injunction suit against Warners and major distributors brought by Eugene Mori, owner of the Landis theatre, Vineland, N. J., and several officials of the community, started today in U. S. District Court before Judge William H. Kirkpatrick.

Harry Shapiro, attorney for Landis, hurled monopoly charges against defendants, alleging that Warner interests warned Mori against opening theatre in opposition to two chain houses in Vineland.

The chief witnesses today were Frank McNamee, RKO exchange manager; A. J. Vanni, Warner zone manager, and Edgar Moss, Twentieth Century-Fox exchange manager. Morris Wolf is representing Vitagraph and Warners while William A. Schnader is representing others.

Shapiro stated, "We want the court to restrain distributors from giving

(*Continued on page 6*)

Actors Equity In Executive Unit Changes

Walter Greaza was named executive assistant by Actors Equity council yesterday. The executive committee was reorganized to include Robert Keith, Hiram Sherman and Beverly Bayne. Robert T. Haines and Philip Loeb were dropped, while Greaza, Hugh Rennie, Bert Lytell continue.

American Refugee Artists Guild was refused permission to engage in performances without individuals joining Equity. "Railroads on Parade," one of the concessions at the World's Fair, was permitted to pay its cast one-sixth of the weekly pay extra for Sunday performances, instead of the usual time and one-half.

Another concessionaire, Michael Todd, was told that he could reduce chorus minimums from $56 weekly for seven days to $50, if the cast agreed. Todd presented a petition from the cast requesting $40 minimums.

Dr. Dafoe Honored At RKO-Pathe Party

RKO-Pathe tendered a party at its offices here in honor of the premiere of the Dionne Quintuplet presentation, "Five Times Five," which will open at Music Hall tomorrow. Dr. Allan Roy Dafoe was the guest of honor at the party.

Among guests were Gus S. Eysell and Fred Lynch of the Music Hall; Colvin Brown, vice-president and general manager of Quigley Publications; Jack Alicoate of *Film Daily;* F. Darius Benham, "Bud" Fox of Bud Fox Enterprises, quintuplet licensee for bakery campaigns; Martin Starr of WMCA, John Johnstone of WOR, "Tex" O'Rourke, John Mosher of the *New Yorker* magazine, Tom Wenning of *Newsweek,* and representatives of various trade publications.

From the RKO home office were Harry Michaelson, short subjects manager; Leon Bamberger, sales promotion manager; Rutgers Neilson, publicity manager and Michial Hoffay, foreign publicity manager. Receiving the guests for Pathe were Frank R. Donovan, production manager, and Harry Smith, Clarence Ellis, Louise Rousseau and Mary Shannon.

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BARNEY BALABAN, Paramount president, and AUSTIN KEOUGH, vice-president, leave for Niagara Falls tonight to attend the final day's events at the Famous Players Canadian convention.

•

ROBERT WOLFF, RKO's New York branch manager, was feted at a luncheon at Dinty Moore's yesterday in observance of his birthday. Those present included LEO JUSTIN, CHARLES MOSES, IRVING WORMSER, NAT COHN, HARRY MICHALSON, CRESSON E. SMITH, MOE STREIMER, CLARENCE EISEMAN, JOE HORNSTEIN, SI FABIAN and ED. SCHNITZER.

•

AL MENDELSOHN and PETER FISHMAN, New Jersey and Long Island bookers, respectively, for 20th Century-Fox, return Monday from vacations. Rose Kaplan, also of the booking department, leaves Friday for a week's vacation.

•

JOHN H. RUGGE, president of Laboratory Technicians Union, Local 702, is vacationing at Provincetown, Mass. WILLIAM VERMONT, secretary-treasurer, returned yesterday from a vacation at Parksville, N. Y.

•

WALTER GOULD, Latin American division manager for United Artists, will leave Sunday by plane for Rio de Janeiro on a two-month tour of the company's exchanges in his territory.

•

JOSEPH DEITCH of the A. H. BLANK Circuit is in New York from Des Moines. BLANK and RALPH BRANTON, who have been here about 10 days, plan to leave this weekend.

•

DAN AUSTELL, Greenville, S. C., exhibitor, and his brother, D. B. AUSTELL of Concord, N. C., were visitors at the Paramount home office exhibitors' lounge yesterday.

•

HUGH HUBER, secretary-treasurer of Hal Roach Studios, arrived in New York from the Coast yesterday for a 10-day business and vacation visit.

•

JOHN LODER, actor, and his wife, MICHELINE CHEIREL, arrive today on the *Champlain.* BENOIT-LEON DEUTSCH, Paris theatre director, also is aboard.

•

LEO ABRAMS, Universal short subjects sales manager, leaves today on a New England sales tour, his first since taking over his new post.

•

CHARLES STERN, Eastern district manager for United Artists, left yesterday for a brief visit in Washington. He will return Friday.

•

EDDIE BUZZELL sailed yesterday on the *Nieuw Amsterdam* for a vacation after directing "Marx Bros. at the Circus."

•

SALLY EILERS is playing the lead in "The College Widow" in the Mohawk Drama Festival, directed by Charles Coburn.

•

ABE SCHNEIDER, Columbia treasurer, arrived in New York yesterday following a brief visit on the coast.

•

E. V. DINERMAN, RKO advertising chief at Cincinnati, is vacationing with MRS. DINERMAN in Canada.

•

LOU PHILLIPS of the Paramount legal department has returned from vacation.

W. RAY JOHNSTON, Monogram president, and GEORGE WEST, franchise holder, return Monday on the *Normandie* after a trip to London. MAX GUMPEL also is aboard.

•

HERMAN WOBBER, 20th Century-Fox general sales manager, returned yesterday from Chicago. TRUMAN TALLEY, Movietone chief, arrives today. They attended the CLYDE ECKHARDT dinner.

•

MIRIAM HOPKINS is here from Hollywood to attend the premiere of her picture, "The Old Maid," which opens on Broadway next month. She will remain in the East for a month.

•

JOSEPH BURSTYN, associated with ARTHUR MAYER in foreign film importing and distributing activities, arrives in New York on the *Champlain* today after eight weeks abroad.

•

EMANUEL and MURRAY SILVERSTONE, SI SEADLER, HARRY GOLD, HAL KEMP, WILLIAM FITELSON, WILLIAM GERMAN lunching at BOB GOLDSTEIN'S Tavern yesterday.

•

GEORGE W. WEEKS, Monogram general sales manager, returns Monday from a tour of branches in Dallas, Oklahoma City, Kansas and the West Coast.

•

LEO ABRAMS, short subjects sales head for Universal, left yesterday for a visit at the Boston and New Haven branches.

•

KITTY FLYNN, head booker at Paramount's New York exchange, returns Monday from a vacation in Wisconsin.

•

W. C. GEHRING, 20th Century-Fox central division manager, is in Chicago working on film deals.

•

JOHN J. FRIEDL of Minneapolis is in New York for conferences at the Paramount home office.

•

FRANK FOLEY, Grand National booker in Denver, has gone to Kansas City for Monogram.

•

HERMAN SILVERMAN, New Jersey booker for RKO, is in Connecticut on vacation.

•

HARRY BLAIR leaves for the coast by train today for a brief business visit.

•

DICK FORAN has been signed to a four-picture contract by Warner Brothers.

•

FRANK ROGERS of the Sparks Circuit, Florida, is in town.

•

JACK LEVEL of the RKO publicity staff is vacationing.

Merchants Indorse Duals Bill in Illinois

CHICAGO, July 25.—Action by Governor Horner is expected today on the bill prohibiting film shows to last longer than two hours and 15 minutes.

Neighborhood and small town merchants have been besieging Horner with letters and telegrams, urging him to sign the bill, according to the governor's secretary, Arthur P. O'Brien. Long double feature shows, merchants contend, keep people out of stores with a consequent loss of trade.

Toronto Train To Bring 160 To F P Parley

NIAGARA FALLS, July 25.—Extreme humidity today failed to extinguish the ardor of 150 Famous Players Canadian branch managers at five regional meetings.

Advertising, theatre operation, maintenance, head office and booking subjects were discussed under District Managers Stein, Roddick, Robson, Zorn and Bearg.

Speakers at the Wednesday night dinner, which will be attended by managers, supervisors and company executives, will include President N. L. Nathanson, Don Henshaw and J. J. Fitzgibbons, vice-president, who is so fully recovered from his recent illness that he was able to arrive a day ahead of his scheduled appearance.

Group meetings today were addressed by Nathanson, Fitzgibbons, Ben Geldsaler, James Nairn, E. Harris and R. W. Bolstad.

On Thursday morning a special train will arrive from Toronto with the entire head office staff of Famous Players Canadian to attend the luncheon, sports program and the evening banquet. The Toronto offices will be closed for the day. The train will bring 160 persons, thus swelling the convention attendance to more than 300.

Feature of today's meeting was the presentation of a sterling silver engraved table set by all managers to Fitzgibbons, whose illness kept him on the sidelines for many weeks.

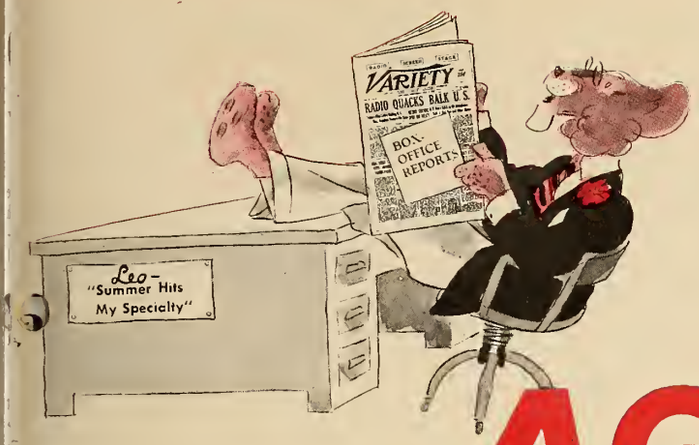
Columbia to Rebuild Its Market in Spain

Columbia begins rebuliding of its distribution organization in Spain at once with the assignment of A. Suarez del Rivero, director of Spanish publicity for the company, to a new post in Spain in the near future, the company reported yesterday.

Del Rivero sails Saturday on the *Champlain* for London where he will confer with Joseph A. McConville, Columbia foreign head, and J. Friedman, European representative, there on his new assignment. John Agell, formerly with Universal's foreign department, succeeds del Rivero as head of Spanish publicity at the home office.

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Last Week!



This Week!



AGAIN

IT'S ALL M-G-M!

More box-office reports from Variety! When a feller needs a friend—page M-G-M!

CHICAGO—"'GOODBYE MR. CHIPS' continuing at great pace in the Apollo. 4th week. Excellent after getting solid gross last week."

SEATTLE—"'MR. CHIPS' big. 3rd week. Last week great. 'HARDYS' big."

DETROIT—"'ANDY HARDY GETS SPRING FEVER' UPS Michigan. Hardy series strong here."

BALTIMORE—"Holdover 'GOODBYE MR. CHIPS,' maintaining momentum heading for okay gross after biggest opening round in weeks."

INDIANAPOLIS—"'TARZAN' okay."

CLEVELAND—"Baseball, concerts cripple B. O.'s, but 'MAISIE' forte. Dandy ballyhoo. Collects smart prize money for week. Last week 'TARZAN' went well."

NEW YORK—"'CHIPS' a tablestakes special. 10th week same as previous week. 'ANDY HARDY GETS SPRING FEVER' started out good at Capitol Theatre."

WASHINGTON, D. C.—"'MR. CHIPS' 2nd week sticking with strong gross. Last week same pic led town with great gross."

LINCOLN, NEB.—"'DR. KILDARE' did very well."

PHILADELPHIA—"'CHIPS' bows out at the completion of three stanzas with a neat record for sustained strength. 'ON BORROWED TIME' at Karlton well above recent average of house."

LOUISVILLE—"'ON BORROWED TIME' rated tops by reviewers. Healthy gross. 'MR. CHIPS' rosy."

BOSTON—"'TARZAN' okay. 'MR. CHIPS' 2nd week dandy."

CINCINNATI—"Keith's is doing swell with 'ON BORROWED TIME'."

LOS ANGELES—"'ANDY HARDY' tonics L. A. 'ANDY HARDY GETS SPRING FEVER' is driving to big week, biggest take known here in past six months. 'CHIPS' 10th week. Looks like another okay gross."

SAN FRANCISCO—"'CHIPS' still going strongly. 4th week. Last week, very good."

PITTSBURGH—"'ON BORROWED TIME.' Raves without exception for this one. Sleek campaign. Plenty good gross and may result in h.o. Last week 'CHIPS' got good gross at Warner after two previous sessions at Penn. Last week 'MAISIE' all right."

PROVIDENCE—"'ON BORROWED TIME,' at State, heads the list. Last week, 'CHIPS' strong."

KANSAS CITY—"'ON BORROWED TIME' holding up well. Above average. Last week, 'CHIPS' big."

PORTLAND—"'ON BORROWED TIME' holdover. 'HARDY FEVER' a natural winner and over the top for big gross."

DENVER "'ANDY HARDY GETS SPRING FEVER' running strong. Last week 'CHIPS' (2nd week) did well above average."

MINNEAPOLIS—"'CHIPS' toast of the town in 2nd week. A four-week engagement is not at all unlikely. Raves by critics and customers."

Bookers! It's an M-G-M Summer! Turn the Page!



"SORRY FOLKS, YOU'LL HAVE TO WAIT!"

ROBERT TAYLOR
HEDY LAMARR
"Lady of The Tropics"

"These Glamour Girls"
Lew Ayres, Lana Turner

NATIONAL RELEASE
"Goodbye Mr. Chips"

M-G-M's TECHNICOLOR WONDER SHOW
"The Wizard of Oz"

HELD OVER!
"ANDY HARDY Gets Spring Fever"
LEWIS STONE, MICKEY ROONEY and all the folks!

HEAT WAVE! HIT WAVE!

Millions of dollars worth of entertainment for your hot-weather screen! That's M-G-M's policy again this summer! It's the policy that has endeared Leo the Lion to his exhibitor customers year after year. While "ANDY HARDY GETS SPRING FEVER" is packing them in (*Biggest Hardy Hit of All!*) announce an M-G-M Summer Festival of Hits to your customers because there's only one outfit that's got a HIT WAVE to match the HEAT WAVE!

THE FRIENDLY COMPANY

'Chips' Leads Minneapolis In 2nd Week

MINNEAPOLIS, July 25.—"Goodbye, Mr. Chips" again led the box-office procession in Minneapolis, ringing up a splendid $8,200 in its second week at the State and then moving to the Century. Interest here is concentrated on the reopening of the 4,200-seat Minnesota, whose first show is a stage presentation headed by Jack Larue and "Streets of New York."

In St. Paul, the best business getter was "Daughters Courageous" which was good for $5,600 at the Paramount.

Estimated takings for the week ending July 20:

Minneapolis:

"Big Town Czar" (Univ.)
"House of Fear" (Univ.)
ASTER—(900) (15c-25c) 5 days. Gross: $1,300. (Average, $1,500)
"Captain Fury" (U. A.)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $3,250. (Average, $4,000)
"Sorority House" (RKO)
GOPHER—(990) (25c) 7 days. Gross: $3,100. (Average, $2,500)
"Daughters Courageous" (W. B.)
ORPHEUM—(2,900) (25c-40c) 7 days, following 4 days in previous week. Gross: $7,100. (Average, $4,800)
"Goodbye, Mr. Chips" (M-G-M)
STATE—(2,300) (25c-40c) 7 days, second week. Gross: $8,200. (Average, $4,400)

St. Paul:

"Tarzan Finds a Son" (M-G-M)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $3,900. (Average, $3,200)
"Daughters Courageous" (W. B.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $5,600. (Average, $4,000)
"Goodbye, Mr. Chips" (M-G-M)
RIVIERA—(1,600) (25c-40c) 7 days. Following week at Paramount. Gross: $3,200. (Average, $1,800)
"It Could Happen To You" (20th-Fox)
"Code of the Secret Service" (F. N.)
TOWER—(1,000) (25c) 7 days. Gross: $2,500. (Average, $1,500)
"American Gangbusters"
WORLD—(400) (25c-35c) 7 days, second week. Gross: $700. (Average, $700)

'Fiddle' and 'Happen' Lead Indianapolis

INDIANAPOLIS, July 25. — "Second Fiddle" and "It Could Happen to You" teamed up for a smash hit at the Circle, with a take of $10,500, extraordinarily good mid-summer business. They were held. Weather was cool.

Estimated takings for the week ending July 21:

"Man About Town" (Para.)
"Undercover Doctor" (Para.)
APOLLO—(1,100) (25c-40c), 7 days. 3d week. Gross: $2,100. (Average, $2,500)
"Second Fiddle" (20th-Fox)
"It Could Happen to You" (20th-Fox)
CIRCLE—(2,800) (25c-40c), 7 days. Gross: $10,500. (Average, $5,500)
"Captain Fury" (U. A.)
"Parents on Trial" (Col.)
LOEW'S—(2,800) (25c-40c), 7 days. Gross: $6,800. (Average, $7,000)

Warners Bill Trade Shows in 32 Cities

Warners will hold trade showings of six features in 32 key cities early in September, according to plans being made by Gradwell L. Sears, general sales manager.

The films include "The Old Maid," "The Roaring Twenties," "A Child Is Born," "The Lady and the Kinght," "Dust Be My Destiny" and "Gantry the Great."

Trade Notes From Mexico City

MEXICO CITY, July 25.—Hard work and kicks is about all of their lot, according to a comback to rafts of criticism made by the four men, three serving for the Federal Government, the other for the local civic administration, who censor pictures in Mexico. Say the censors:

They work six hours a day, six days a week and average 30 reels daily; their daily stipend is $1.05 for the chairman of the board and 90 cents for the others. They are required to be conversant with English, French, German and Italian and even to know something of Latin, besides being highly proficient in straight and idomatic Spanish, Mexico's official language. Furthermore, they must possess a "college culture and broad and ample understanding."

Most newsreels are viewed on overtime, the censors aver. They do not mention extra pay for this work.

The statement contains the interesting information that censorship has been eased considerably during the past two years on religious sequences.

Picture producing cooperatism, a new one for Mexico, is doomed to die if the national cinematographic studio workers' union has its way, which is that those who join such societies automatically lose their union tickets. This, asserts the union, is in strict accordance with the Federal Cooperative Societies law. The union says the societies are unfair competition.

Loss of union tickets virtually deprives cooperative members of all standing. Unless there is private financing, a very rare thing, the picture cooperatives will not be able to live. The government has done nothing as yet about taking these societies under its wing, as it has done with those in the mining and other industries.

Three children were trampled to death in a panic ensuing when an unidentified patron still at large gave a false alarm of fire in the Cine Victoria, an important cinema of Aguascalientes City, during a performance.

A barter of Mexican made and German made films is being urged by producers here. J. W. Dalhaus, local agent for German producers and supply houses, has been requested to return to Germany to arrange the deals.

Government is also said to favor a plan for the barter of petroleum for cinematographic equipment, including sound and laboratory apparatus, negative color film and cameras.

Eduardo Chavez Garcia has been named president of the Mexican exhibitors union of the Federal District.

Luis Marquez has started production of a fashion short in color. It will be released about Sept. 1.

Rene Cardona, film juvenile, has organized a production company, Producciones Rene Cardona.

Skunk Odor!

Cincinnati, July 25.—"We've had to refund patrons' admissions in our various houses for many different reasons," says Mike Spanagel, assistant to Maurice White, head of a number of circuits, "but report from the Rand, at Greenfield, O., is tops to date. The manager's notation of a patron's complaint is: 'Man carrying skunk odor'."

All Circuits Watch TMAT's Test Case

(*Continued from page* 1)

Austin Garden, Kew Gardens.

Only witness yesterday was Albert L. Greene, manager of the Oceana, and supervisor of the Tuxedo, Sheepshead and Surf. Greene was questioned by Gustave A. Gerber, T. M. A. T. attorney, and cross-examined by Mitchll Klupt, of Hovell, Clarkson & Klupt.

He testified that his present employer is Triad Operating Corp. and not Rugoff & Becker. Gerber sought to establish that orders were given by the circuit heads. Greene maintained that he had no knowledge of the ownership or operation of the 13 houses allegedly in the Rugoff & Becker circuit except through hearsay.

Most of yesterday's hearing was consumed by arguments of counsel on the question of the board's jurisdiction over the corporations operating the various houses.

Petitions for certification have been filed by T. M. A. T. against Raybern Theatres, 9 houses; Prudential Playhouse, 30 houses; Five Boro, 7; Kaybern, 3; Landon, 1; Jewel, 1; Dartmouth, 1; Costello, 2; Windsor, 3; Times Square, 2; Brancon Park, 1; Helsel, 1; Helgus, 1; Rosenberg, 3; Nelson & Renner, 16; Sharbu, 1; Fabian, 2; and R. & N., 1.

These cases are not expected to be assigned for formal hearing until after completion of the Rugoff & Becker case. The hearing will continue today.

$30,000 Fund Voted By 3 for AGVA Aid

Organization fund of $30,000 for American Guild of Variety Artists was voted yesterday by Actors Equity, Chorus Equity and Screen Actors Guild. Each group is contributing $10,000. A.G.V.A. was recently chartered by Associated Actors and Artistes of America after the charter of American Federation of Actors was suspended.

A.G.V.A. will open offices at 11 A.M. today at 11 W. 42nd St. The offices will be next door to the eastern office of S.A.G. Florence Marston, S.A.G. Eastern representative, will act as executive secretary of A.G.V.A. until permanent officers are named.

Ralph Whitehead, executive secretary of A.F.A., stated yesterday that he is awaiting a reply from George Browne, president of I.A.T.S.E., on his application for affiliation.

The $30,000 fund voted for A.G.V.A. is in the form of a loan which will be made available to the new union as it requires the funds and which it will be expected to repay when its treasury is sufficiently established.

Theatre, Personnel Notes

Would Build Open Air House

MIDDLETOWN, Conn., July 25.—Hearing on petition of Salvatore Adorno for a permit to operate a 300-seat airdrome in the rear of the Middlesex Theatre, has again been continued, and is now set for next Friday before the Superintendent of State Police at Hartford. Adorno, formerly interested in the three Middletown houses now operated by Morris Pouzzner of Boston, attempted to construct a 1,000-seat open-air theatre, but was stopped by injunction granted on basis of violation of a city ordinance regarding fronting on a city street.

Fox Promotes Morehead

KANSAS CITY, July 25.—Harry A. McClure, district manager of Fox Midwest Theatres, announced this week the transfer of Charles Morehead, manager at Beatrice, Neb., to Ft. Collins, Colo., where he will manage Fox Rocky Mountain Theatres.

B. M. Montee, Chanute, Kan., goes to Beatrice to take over there; C. P. Forbes of Ft. Scott, Kan., goes to Chanute, and H. D. Carrol, Carthage, Mo., goes to Ft. Scott.

$150,000 Michigan City House

MICHIGAN CITY, Ind., July 25.—Work on a new $150,000 theatre will be started here September 1, according to Maurice Rubin, president of the Dune Lake corporation. The new theatre will be called the Lido and will be located on Franklin St. between Eighth and Ninth Sts. William L. Pereira of Pereira & Pereira in Chicago is the designer of the theatre which will be one of the most unusual in the country.

Manages Little Rock Houses

LITTLE RCK, Ark., July 25.—James F. Gholson, formerly of Corpus Christi, is the new house manager of the Capitol and Royal theatres here. He was with the Robb Rowley Theatres, Inc., for a year and a half as manager of the Tower in Corpus Christi.

Booking for Bergen

Brandt circuit is now booking for the Bergen, Jersey City, N. J.

East Capital Backs New Bronston Firm

LOS ANGELES, July 25.—Samuel Bronston today announced the formation of Samuel Bronston Productions, Inc., which, after taking over the assets of the recently-formed Commodore Pictures, Inc., which he also heads, will produce pictures for major release.

Reportedly backed by $2,000,000 of Eastern capital, Bronston's first film will be "Martin Eden" from Jack London's book of the same title. The company has taken options on all London stories not filmed.

Associated with Bronston in the new venture are J. F. T. O'Connor, A. Ronald Button and John J. Bergen, the latter representing Eastern financiers. Headquarters will be at the General Service Studios.

Labor Board Rulings Aid Studio Units

(Continued from page 1)

RKO, Columbia, Universal, M-G-M, 20th Century-Fox, Paramount, Warners, Hal Roach Studios and Samuel Goldwyn, Inc., Ltd., will be represented by the Screen Publicists' Guild, it was announced in another order. The board, however, dismissed a representation petition filed by the guild on behalf of employes of Selznick International and Principal Productions (Sol Lesser).

The Society of Motion Picture Artists and Illustrators was certified as the bargaining agency selected by a majority of the illustrators, costume illustrators, matte shot artists and their assistants, title artists and heads of title departments of Columbia, RKO, Universal and M-G-M.

This order directed that elections be held within 20 days among similar employes at Warners and 20th Century-Fox. The board dismissed a petition of the society in behalf of Paramount employes for lack of evidence that it represented any employes in the appropriate unit.

The fourth order designated the Federation of Screen Cartoonists and the Society of Motion Picture Film Editors as bargaining agents for employes of Walt Disney Productions.

Du Pont Quarter Profit $430,661

Net profit of $430,661 for the quarter ended June 30 is reported by Du Pont Film Mfg. Corp., after all charges and Federal taxes. This compares with $309,726 for the corresponding 1938 period.

For six months ended June 30, net profit was $826,413, compared with $638,963 for the first half of 1938.

Stock of the company is held 65 per cent by E. I. du Pont de Nemours & Co. and 35 per cent by Pathe Film Corp.

Big British Studios To Snub Venice Show

London, July 25.—Ignoring the decision of British film producers' groups to participate in the Venice film exposition, a number of leading producers will shun this show and instead will participate in the Cannes festival in September. They thus join in the decision of the American companies.

Alexander Korda (London Films), Irving Asher, M-G-M and 20th Century-Fox are among those expected to send films to Cannes. Certain other British producers will take the opportunity of exploiting their films in the Italian market. American companies are, however, cooperating fully with the French Government.

Ripps Honored By Albany Branch Men

ALBANY, July 25.—Herman Ripps, long with the M-G-M Albany exchange and now traveling the New Jersey territory out of the Metro New York office, returned here for a farewell luncheon at the DeWitt Clinton yesterday. Ripps was given a wrist watch by his former associates and industry friends.

The committee arranging the affair was headed by Artie Newmann, Republic branch manager; Ralph Pielow, M-G-M; Paul S. Krumenacker, Vitagraph; Joe Engel, Universal; Joe Miller, Columbia; Bernard G. Kranze, RKO; Clayton Eastman, Paramount; Moe Grassgreen, 20th Century-Fox; Charles A. Smakwitz, Warners, and Louis R. Golding, Fabian Theatres.

Pielow acted as master of ceremonies and Golding was a speaker.

Ripps was succeeded in the Albany sales territory by Bill Williams, while William Stockton, formerly assistant cashier in the M-G-M New York office, succeeded Williams as office manager.



Latin America Market Called Well Exploited

Home office executives who prate about recouping lost European revenues in the Latin American market have no conception of the already advanced development of that market and the increasingly difficult struggle to maintain commercial advantages already won there, John L. Day, Paramount manager for South America, said yesterday on his arrival in New York from Buenos Aires for home office conferences.

Day described the Latin American market as a "thoroughly developed" and highly competitive one. He said that while immense territories which are untapped do exist there, particularly in Brazil and the Argentine, they are for the most part inaccessible and of no commercial importance for that reason.

If and when those areas are opened to trade, Day said, they will offer a new market of great potentiality, but there is no indication at this time of being opened.

Day reported that French films are making rapid strides in South America. Their current popularity is sufficient to make itself felt by American distributors there, he said.

Similar reports of a current widespread trade advance by French films have been brought in from Europe and Central America, as well, by industry travelers.

Day, who will be here about three weeks, said that native production in the Argentine is prosperous and that such films are popular throughout the Continent. Mexican films are less popular, he said.

SWG vs. Producers Hearing to Reopen

LOS ANGELES, July 25.—Alexander Wilson, Jr., special National Labor Relations Board representative sent here from Washington to conduct the Screen Writers Guild case, today said he expected momentarily an order from the Board reopening the hearing on the charges that producers failed to bargain collectively with SWG.

He said that the probable procedure would be to file a new complaint against producers "clarifying the issues at stake." Ten days' notice must be given before a hearing can be called.

Philadelphia Trial On Monopoly Open

(Continued from page 1)

Warners the selected lists; we want them restrained from allowing Warners to reject any films and then tell us when we can be allowed to exhibit these rejected films. We say that such an arrangement is restraint of trade. We want the same rights as Warners to bid for the films."

Shapiro endeavored to expose entire ramifications of so-called movie combine over country, but Judge Kirkpatrick directed him to confine the case to the Vineland situation. The case will continue at least until Friday.

Newsreel Parade

New issues include the mass wedding in Montreal, "moral rearmament" rally in Hollywood, water sports and army drills. There are also shots of the President Roosevelt-James A. Farley conference at Hyde Park. The reels and contents follow:

MOVIETONE NEWS, No. 91—Roosevelt deeds land to Government for library. West Point cadets in gun drill. Japan-Russia conflict. Mass wedding in Canada. Sailors on good will cruise. Bombers in formation flight. Johnstown loses Arlington Classic. Toboggan sliding on water. Stunt man shot in water. Water ski championships.

NEWS OF THE DAY, No. 289—Army bombers tested. 105 couples in mass marriage in Montreal. Shipwreck on Mississippi. Moral rearmament rally in Hollywood. Horse race in Hollywood. Galento boxes kangaroo. Stunt diving. Water ski meet.

PARAMOUNT NEWS, No. 102—Montreal's mass wedding. Louis and Pastor sign for bout. Dr. Frank Buchman leads moral rearmament rally. Tank for Antarctic expedition. Governor Dickinson of Michigan attacks liquor drinking. Celebrate anniversary of hot dog debut at Coney Island. President donates land and library to Government. Challedon defeats Johnstown. Water meet at Jones Beach. Girls ride toboggans on water. Catapult hurls inventor into water.

RKO PATHE NEWS, No. 2—Roosevelt at Hyde Park. Mass wedding in Canada. Czech shoe king starts factory in Maryland. Test new safety plane in California. Moral rearmament rally. Catapult inventor lands in water. Arlington stakes.

UNIVERSAL NEWSREEL, No. 791—Canadians in mass wedding ceremony. Endurance flight in Baltimore. WPA strikers meet in New York. Sun Valley exhibit at Fair. Water skiing. New car demonstrated in Utah. Horse racing at Arlington. Skyrocket catapult. Bombers in mass flight.

Film Archives Body In N. Y. Convention

More than 10 countries are represented at the first annual Congress of the International Federation of Film Archives which opened yesterday at the Museum of Modern Art, 11 W. 53rd St.

John E. Abbott, director of the Museum's Film Library, is presiding. The Federation was organized last year in order to make the greatest non-commercial use of the historical, educational and artistic films of all countries.

Civil Rights Bill Wins First Wisconsin Test

MADISON, Wis., July 25.—The Rubin civil rights bill passed its first test in the state assembly when the House refused to kill the measure, 45 to 34, but further action has delayed when Speaker Vernon Thomson moved reconsideration of the vote.

The measure would require proprietors of theatres, hotels and places of public accommodation to give equal rights to all regardless of race, creed, color or nationality.

Fair Acts to Repeat Two Bargain Days

World's Fair officials yesterday decided to repeat this week the two weekend bargain days instituted last Saturday and Sunday. A $1 ticket entitles purchasers to $2.25 worth of entertainment. The first two bargain days lured more than 250,000 persons to the Fair on each of the two days.



You don't have to

WATCH THOSE FORDS GO BY...

With apologies to the Ford Motor Company

Be smart and ➡



WITH

PARAMOUNT'S SUMMER HITS!

"UNION PACIFIC"

"MAN ABOUT TOWN"

"OUR LEADING CITIZEN"

"THE STAR MAKER"

Paramount Pictures

'Fiddle' Leads Buffalo, Nice $13,200 Gross

BUFFALO, N. Y., July 25.—"Second Fiddle" played the hottest box office melody here in a week of generally sour first run business. It charmed $13,200 past the Buffalo's wicket to ...t par by $1,200.

Plenty of competition popped up around town, including Paul Whiteman, whose outfit the Junior Chamber of Commerce brought here with considerable fanfare for an experimental outdoor concert in Civic Stadium.

Estimated takings for the week ending July 22:

"Second Fiddle" (20th-Fox)
BUFFALO—(3,000) (30c-55c) 7 days. Gross: $13,200. (Average, $12,000)
"Stolen Life" (Orion)
"Million Dollar Legs" (Para.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $4,200. (Average, $7,500)
"The Magnificent Fraud" (Para.)
"Nancy Drew, Trouble Shooter" (W. B.)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $3,900. (Average, $6,800)
"They All Come Out" (M-G-M)
"The Heritage of the Desert" (Para.)
CENTURY—(3,000) (25c) 7 days. Gross: $3,800. (Average, $6,000)
"Good Girls Go to Paris" (Col.)
"Crime Takes a Holiday" (Col.)
LAFAYETTE — (3,300) (25c) 7 days. Gross: $6,500. (Average, $6,300)

Griffith-Dickinson Names Managers

KANSAS CITY, July 25.—The new management setup of Griffith-Dickinson Theatres in the four towns in which the company now has full control, following the deal last week with Commonwealth Amusement Corporation, places Harry Wareham in charge at Manhattan, Kan., Billy Wagner at Independence, Kan., with Royce Adelotte as assistant; R. W. Ferguson, formerly with Griffith Amusement at Oklahoma City, Osawatomie, Kan., and Doyle Mowery, who has been operating the Chief at Marceline, Mo., city manager there.

W. G. McKinney, who has been manager at Lawrence, goes to Paola, Kan., as manager. Jack Scott, son of Ward Scott, district manager for 20th-Fox, who has been at Paola, goes to Parsons, Kan., as assistant to Dave Dallas.

Attack Conn. 'Legal' Games, Two Arrested

WEST HAVEN, Conn., July 25.—Bingo's first test case since legalization of the corn game in the last days of the legislative session resulted in two concessionaires at Savin Rock being fined $100 each and costs. The stands were playing "Voley" without a proper permit. The new statute is being attacked by others besides theatremen as discriminatory, and it is expected the attack may be brought into the open soon.

'Feathers' Booked Solid

"Four Feathers," Alexander Korda production, has been booked for all 80 houses of the French circuit, Societe Nouvelle des Establishments Gaumont, United Artists reported yesterday. Booking is the first of its kind on that circuit for any American or British film, the company said.

Short Subject Review

"Five Times Five"

(RKO-Pathe)

At the close of "Five Times Five," a charming two reel RKO-Pathe presentation dealing with the Dionne quins, now five, Alexander Woollcott, the narrator, states "may they all live long and prosper."

Picture-goers everywhere will fervently re-echo Woollcott's expression after viewing this special which affords a conservative million dollars worth of delight.

The quintuplets, of course, are the whole show. The pachydermic "Town Crier" swaying back and forth in one of the swings of the youngsters, and blowing upon one of those coiled children's favorites that uncurl and whistle when they are blown into, is no drawback to the picture. Another really delightful moment comes when the youngsters give their hands in greeting to Woollcott and his pipe in their childish trebles, "Bon jour, m'sieu Woollcott."

The picture deals mainly with the never-tiring playyard activities of the quins, showing them on their swings and slides, and fussing with their toys. The preparations made for their presentation to their King and Queen are disclosed. Highlight is the party in honor of their fifth birthday, with a Bishop of the Catholic Church as the guest of honor.

General classification. Running time, 20 minutes.

600 Firings Monday By Federal Theatre

Approximately 600 supervisory employes of the WPA Federal Theatre Project will be dismissed Monday pursuant to the Congressional act discontinuing the project. The employes dismissed do not have relief status. Remainder of the 3,500 employes will be dismissed at different periods up to Oct. 1.

Except for a small group of employes now engaged in liquidation proceedings, they are not required to report for work although they continue on the payroll. Plans are being formulated to transfer some of them to other art projects.

Glacier Priest Films Top New Fox Shorts

Twentieth Century-Fox announces that the short subjects release schedule for the first quarter of the new season will be headed by the first of a series of four Father Hubbard Alaskan adventures, "Birthplace of Icebergs." The Glacier priest has completed the first three films, the initial one being released Aug. 4.

Royal Back Today

John Royal, vice-president in charge of programs at NBC, returns from Europe today aboard the *Champlain*. During his stay in Europe, Royal visited Arturo Toscanini and heads of the various European branches of NBC.

Albany Notes

ALBANY, N. Y., July 25.—Leo Rosen, manager at Warner's Troy at Troy, left Monday for Cape Cod with Mrs. Rosen for a fortnight vacation.

Andy Roy, Strand manager for Warner at Albany, is in Cleveland, visiting his brother, J. Wilson Roy. Roy's father, who died in Albany recently, was publicity adviser for Sir Thomas Lipton for many years.

Exhibitor Joe Sternberg and Ralph Pielow, M-G-M branch manager at Albany, caught the boat limit of 25 bass fishing at Cape Vincent in the Thousand Islands last week. Sternberg owns the Franjo at Boonville.

Leo Drexler, assistant contact manager for Warner's Albany district office, broke several ribs and injured his spine when thrown from a horse. Drexler is recuperating at St. Peter's Hospital in Albany.

Exhibitors Will Get Code By August 9th

(Continued from page 1)

its phraseology simplified. It is this part of the code, including the method of selecting arbitration board members, which has been occupying the distributors' negotiating committee and sales executives for the past two weeks.

While this work is nearly complete, it is understood that the distributors' committee is encountering opposition from one of the large national circuits to the new formula for apportioning affiliated theatre representation on local arbitration boards.

Rodgers promised Kuykendall a completed draft and definite information on the first arbitration boards for the Aug. 9 meeting of the Southeastern M. P. T. O. in Atlanta.

Kuykendall, who left for his Columbus, Miss., home yesterday, said he believed that "90 per cent of all exhibitors will accept the revised code not as a final offering, but as the beginning of a happier relationship between exhibition and distribution."

"It is hard to believe," Kuykendall said, "that any exhibitor, regardless of his affiliations, would reject something that he needs so badly."

Cohen Hears Code Negotiating Committee

Members of the distributors' negotiating committee conferred with the code committee of Allied of New York in the office of Max A. Cohen, president of the unit, yesterday afternoon.

In addition to Cohen, among those representing the organization were Mitchell Conery and Rapley P. Merriman, regional vice-presidents of the Albany and Syracuse units, respectively, and Thomas Di Lorenzo of New Paltz.

The distributors' committee has received a number of letters from representative Allied members saying that they will disregard Allied States' rejection of the code and that they intend to sign the pact when closing new season product deals.

Loew's Gets World Short

Loew's has booked "Battling Bettas," color short released by World Pictures Corp., for leading houses of its circuit after playing the subject at the Capitol here.

'Mask' Gets Big $13,800 to Win Lead in Frisco

SAN FRANCISCO, July 25.—"The Man in the Iron Mask" did sensational business here with a first week's gross of $13,800 at the United Artists. Figure is nearly double the house average.

Also good were "Second Fiddle" and "Hotel Imperial," with $17,000 at the Fox, and "The Saint in London," which grossed $16,500 at the Golden Gate.

Estimated takings for the week ending July 18:

"The Saint in London (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Vaudeville. Gross: $16,500. (Average, $15,000)

Week Ending July 19:

"Unexpected Father" (Univ.)
"A Woman Is the Judge" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 dags. Gross: $7,400. Average, $8,000)

Week Ending July 20:

"Good-Bye Mr. Chips" (M-G-M)
ST. FRANCIS—(1,400) (15c-30c-35c-40c), 7 days, 4th week. Gross: $6,000. (Average, $6,000)
"Second Fiddle" (20th-Fox)
"Hotel Imperial" (Para.)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: $17,000. (Average, $16,000)
"Man About Town" (Para.)
"Grand Jury Secrets" (Para.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days, 3rd week (moved over from Fox). Gross: $9,500. (Average, $11,500)
"Man in the Iron Mask" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days. Gross: $13,800. (Average, $8,000)
"Dead End Kids" (W. B.)
"Million Dollar Legs" (Para.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $10,500. (Average, $12,000)

Week Ending July 21:

"Champs Elysees" (Tri-National)
CLAY—(400) (15c-35c-40c) 7 days, 2nd week. Gross: $800. (Average, $1,000)
"Crisis" (Mayer-Burstyn)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $850. (Average, $1,000)

Columbia Aids Fete S. A. Press Director

A. Suarez del Rivero, director of Latin American publicity for Columbia, was guest of honor last night at a dinner at El Chico. He sails Saturday for Barcelona to handle a special assignment for the company in Spain.

He will be succeeded by Juan Agell, formerly with Universal.

Among those attending the dinner were Michael Hoffay, director of foreign publicity for RKO; Luis Lezama, Mexican producer; Fernando Mier, New York representative for Felipe Mier; Lita Santos, Spanish actress; Charles B. Garrett, Monogram assistant Latin American sales manager; Roberto D. Socas, film critic for *La Nacion*, Buenos Aires; Maria M. Garrett, Spanish publicity manager for Warners; Russell Spaulding, producer; Mary M. Spaulding, critic for *Carteles* of Havana; Alberto Zalamea, CBS Latin American manager; C. Carvajal, NBC Latin American manager; Charles Morla, Monogram Latin American sales manager; Julio Garzon, editor, *La Prensa*, New York Spanish daily; Jay Tuthill, advertising director, *Teatro al Dia*, Quigley Spanish language publication, and Juan Agell.

M'Ninch Quits As FCC Chief Soon, Report

WASHINGTON, July 25.—Resignation of Frank R. McNinch as chairman of the Federal Communications Commission in the near future was indicated today by President Roosevelt's statement at his semi-weekly press conference that he would have some news to give out on McNinch in a short time.

The FCC chairman has been in ill health for a considerable period and has been forced to remain away from his desk for weeks at a time.

Today he was a luncheon guest at the White House, where he is understood to have had a long discussion with the President on the situation in the FCC.

McNinch's resignation may serve to eliminate much of the friction which has marked the Commission's activities since he left the Commission to serve as "clean-up" man on the radio board.

First Networks Put NAB Code in Effect

BOSTON, July 25.—The new NAB code, adopted recently at the convention in Atlantic City, has been put into effect by the Yankee and Colonial networks, and hereafter its provisions will be observed immediately on these networks. It is the first application of the Code by a station or network anywhere, since its adoption.

John Shepard, III, president of the networks, stated that insofar as the industry had agreed on the Code, he could see no reason for delaying its operation. Consequently, all new contracts signed by the Yankee or Colonial networks will contain the provision that program material must be in full accordance with the Code.

Contracts now in force which may conflict with the Code will be carried to their completion under their original provisions, but thereafter they must be adjusted to the Code.

Cincinnati Station Gets 50,000 Wattage

CINCINNATI, July 25. — A 50,000-watt transmitter to be used for broadcasts to Latin America is under construction for W8XAL, now transmitting on 10,000 watts.

It will provide instantaneous push-button selection of the six operating frequencies, ranging from 6,050 to 21,650, and a special directional antenna.

Under a recent FCC grant, the station will broadcast on all six short wave frequencies, with effective transmission to any chosen country through the directional antenna, by use of which the station's power will be materially increased through the width of the broadcast beam being narrowed.

'Merry Macs' Signed

The "Merry Macs" have been engaged for a run on the Lucky Strike "Hit Parade" programs, and will replace Raymond Scott in the series. The singing group will start in the series in August.

BANNER RADIO LINES

By JACK BANNER

OPENING OF RADIO GALLERY . . . Alfred J. McCosker, president of WOR and chairman of the board of the Mutual network, reiterated several times that "this is a great night for us" during the ceremonies attending the formal opening of the press gallery in the House of Representatives, Washington, Monday night. Indeed it was a great night.

It required years of almost single-handed fighting by Fulton Lewis, Jr., Mutual's Washington commentator, to get that tiny radio gallery installed. And there it was Monday night in the gallery of the House appearing as large as life for all of its diminutive size. "Watch it grow" was the consensus.

NOT many took observance of one of the most touching episodes at the affair. Fulton's mother quietly took leave of the chatting groups of important political figures, newspaper publishers and radio executives, walked down the steps leading to the radio gallery, opened the tiny door on swinging hinges, and sat proudly for a moment in one of the gallery's four or five seats, and then rejoined her son.

THE broadcast proper was brief—just 15 minutes—during which Fulton served as em cee, and Representatives John Dempsey, Senator Warren Barbour, and Speaker Bankhead talked of the importance of this new deal for radio in the House and the Senate.

Boake Carter was introduced but had time only to utter his once familiar "Hello, everyone, this is Boake Carter speaking" before the program was signed off. That, incidentally, was the first time Carter had spoken over a network since his stint for General Foods some seasons ago. He is now trying to sell his talks via recordings and says he has been signed up by some 20 stations.

ON hand for the ceremonies, in addition to those already mentioned, were Herb Moore, president of Transradio Press; Anthony Muto, James Lyons, George Dorsey and C. J. Brown, Washington managers of the Movietone, Universal, Pathe and Metrotone newsreels, respectively; Managing Editors Ben McElway and A. F. Jones of the *Evening Star* and *Washington Post;* Leland Bickford, news editor of the Yankee network; Harry Butcher, CBS vice-president in Washington, and "Scoop" Russell, NBC vice-president there; Bill Dolph, manager of WOL; Johnny Johnstone and Abe Schechter, special events directors of Mutual and NBC, and a host of Congressmen.

WE saw an amazing sight on our arrival at the House. The Navy band—the men and conductor clad in immaculate white save for black arm bands worn in memory of the late Secretary of Navy Swanson—was giving a concert on the grounds. Thousands of shirt-clad citizens were seated on the grass of the House lawns and crowded the steps, listening to the music. Off in the far corners of the grounds a battery of searchlights played on the facades of the building and on the flag atop. The whole blended to form a more eloquent sermon for democracy than anything we have witnessed. It is amazing that none of the newsreels have filmed this event (the concerts have been given three times weekly by the bands of the Army, Navy and Marine Corps), amazing that a picture magazine such as *Life* has not depicted the sight, and amazing that the networks have not thought to broadcast the concerts.

GOOD news overheard in the gossip at the radio gallery warming was that Vince Callahan is in line for a new and happier job than he has in New Orleans and that he will come to Boston shortly as commercial manager of WBZ; that the home and road games of the New York football Giants will be sponsored over WOR the coming season, with Red Barber handling the assignment; that for the first time ever, an article appearing in a radio ian publication has been read on the floor of the Senate, and included in the *Congressional Record.* The article was written by Curtis Mitchell and printed in *Radio Guide,* and urged that women members be appointed to the F.C.C.

Television in August Will Stress Sports

Sports and other outdoor pickups will be emphasized in NBC's television plans for August, with evening studio programs to be dropped after tomorrow for four weeks. Evening studio presentations will be resumed August 29.

The sporting schedule has not been completed as yet, but most likely it will be instituted with the playing of the Eastern Grass Courts Tennis Championships at Rye, August 9-11-12.

In continuing a weekly television schedule of 10 hours, NBC will telecast three feature-length motion pictures a week. They will be seen on Tuesdays, Thursdays and Fridays at 8:30 P. M.

Kaltenborn Speeches Abroad Start Aug. 13

H. V. Kaltenborn will leave for Europe on Aug. 9 on an air tour of the Continent. During his three weeks absence there he will interview many of the leading European statesmen and will broadcast his findings in a series of talks from the BBC studios in London to CBS. His talks are scheduled for Aug. 13, 15, 20, 22, 27 and 29. He will fly abroad on the Clipper and return the same way.

WOW-NBC Deal

NBC has renewed its arrangement with WOW, Omaha, whereby that station will handle Blue network programs by delayed broadcast during daylight saving. The renewal is indefinite in length.

3 New Radio Stations Ask For Permits

WASHINGTON, July 25.—Applications for three new broadcasting stations were filed with the Federal Communications Commission today.

The requests were from the Poughkeepsie Broadcasting Corp. for a 1,420 kilocycle, 250 watt station in Poughkeepsie, N. Y.; Fort Myers Broadcasting Co. for a 1,210 kilocycle station with 100 watts night, 250 watts day at Fort Myers, Fla., and the Dallas Broadcasting Corp. for a 1,370 kilocycle station with 100 watts night, 250 watts day at Dallas.

Also filed with the commission were the application of stations WSPA, Spartanburg, S. C., for change of frequency from 920 to 610 kilocycles and extension of time from day to unlimited; KIT, Yakima, Wash., for increase of night power from 500 to 1,000 watts; and WRGA, Rome, Ga.; WAPO, Chattanooga; WROL, Knoxville; WSIX, Nashville; WSTP, Salisbury, N. C.; WJBC, Bloomington, Ill.

The commission announced that it had set Sept. 25 as the tentative date for hearings on the applications of the Union Broadcasting Co. for a 1370 kilocycle station with 100 watts night, 250 watts day at Scranton; Lackawanna Broadcasting Co., Inc., also for a 1,370 kilocycle station with 100 watts night, 250 watts day at Scranton, and Samuel M. Emison for a 1,420 kilocycle, 100 watt station at Vincennes, Ind., and Nov. 6 for a hearing on the application of Station WTNJ, Trenton, N. J., for increase of day power from 500 to 1,000 watts.

Many Notables See 'Music' Premiere

(*Continued from page* 1)

Projects in Manhattan, guests of the producer.

The performance was sponsored by a committee composed of Mayor LaGuardia, Mrs. Vincent Astor, Mrs. Mary Simkhovich, chairman of Greenwich House; Mrs. Henry Root Stern, chairman of Greenwich House music committee, and License Commissioner Paul Moss.

In attendance were: Mrs. Franklin D. Roosevelt, Mr. and Mrs. Roy W. Howard, Mr. and Mrs. Arthur Hayes Sulzberger, Mr. and Mrs. Herbert Bayard Swope, Edward G. Robinson, Miss Lucy Monroe, Dr. Allan R. Dafoe, Ogden Reid, Commissioner and Mrs. Paul Moss, Fannie Hurst, Lillian Hellman, Paul Althouse, Erika Mann, Marion Cooley, Mr. and Mrs. William Rheinlander Stewart, Mr. and Mrs. William Averill Harriman, Mr. and Mrs. Charles S. Payson, Mr. and Mrs. Robert Lehman, Mr. and Mrs. William Paley, Mr. and Mrs. Irving Berlin, Mr. and Mrs. Max D. Steuer, Mr. and Mrs. William Randolph Hearst, Jr., Mr. and Mrs. Henry Root Stern, Mr. and Mrs. William T. Dewart, Jr., Mrs. Herbert L. Satterlee, Mr. and Mrs. Paul D. Cravath, Mr. and Mrs. Gerard Swope, George Gordon Battle, Mr. and Mrs. Benjamin Harrison, Mrs. H. F. Ittleson, George Abbott, Joseph Schenck, Mr. and Mrs. Maurice Silverstone, Jack Cohn and Mr. and Mrs. James Mulvey.

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VOL. 46. NO. 18 NEW YORK, THURSDAY, JULY 27, 1939 TEN CENTS

RKO Powers To Patterson And Schaefer

New Board Chooses 11 of 13 Directors

George J. Schaefer was formally elected president of RKO, the parent company, and Richard C. Patterson, chairman of the board, by the company's newly constituted board of directors yesterday. Schaefer plans to leave for the coast Friday for a studio visit.

Election of other new officers will be deferred until the reorganized RKO begins functioning. Until that time, RKO officers and board can act for the company only with the authorization of the Federal court.

Preceding the election of officers, 11 of the 13 members of the new board that is to take over direction of the new company on consummation of the reorganization, were elected to the existing board.

These were Ned E. Depinet, Thomas P. Durell, Frederick L. Ehrman, L. Lawrence Green, Conde Nast, John E. Parsons, Patterson, N. Peter Rathvon, Schaefer, W. G. Van Schmus and Raymond Bill. James G. Harbord and Lunsford P. Yandell, the remaining two members of the new board, were members of the existing board.

The action, taken with the authorization of the Federal Judge William Bondy, is intended to enable the new officials to meet informally from time to time with the RKO management and the trustee, Irving Trust Co., and to provide them with a close-range slant on company operations while awaiting consummation of the reorganization. This is expected some time next Fall.

Statement issued by the company following yesterday's meeting reported that RKO's earning power has been steadily increasing under Schaefer's direction. Latter has been in charge of operating subsidiaries since last October.

Company statement also identified leading interests in reorganized RKO as Atlas Corp., RCA, Rockefeller Center, and Time, Inc. The latter holds $1,696,000 of RKO notes which it acquired from Pathe for $340,000. The notes were issued in connection with the RKO purchase of Pathe assets in 1930.

It can receive in exchange for this claim, under the reorganization plan, 169,600 shares of new RKO common having an estimated market value of approximately $1,000,000.

Cowdin Returns, Hails Universal's Gains in Europe

Universal's foreign business so far this year is well ahead of business for the same period last year, J. Cheever Cowdin, chairman of the board, reported yesterday on his arrival from Europe on the *Champlain*. Cowdin was abroad five weeks, during which he conferred with C. M. Woolf and other Universal associates in London.

Improvement in the company's business in Britain has been especially marked, Cowdin said. He conferred in Paris on completion of Danielle Darrieux's five-year contract with Universal and indicated that the actress is expected to return to Hollywood in the near future for work in a new picture.

With Universal in the black for the past 12 months, Cowdin told reporters that the studio mortgage was being reduced "gradually" and it now stands at around $1,000,000.

At the dock to meet Cowdin, who was accompanied on the trip by his wife, were Joseph H. Seidelman, Matthew J. Fox, Charles D. Prutzman, Peyton Gibson, Samuel Machnovitch and Anthony Petti.

Joseph Burstyn, associated with Arthur Mayer in the importing and distribution of French films, also was a passenger on the *Champlain*. He contracted with French independent producers for distribution here of six

(*Continued on page 2*)

I. A. Day at Fair

N. Y. World's Fair has designated Sept. 7 as Projectionists' Day. I.A.T.S.E. and Local 306 are enlisting aid to plan and carry out an all-day program of special events to mark the day.

The following chairmen of working committees have been appointed: Joseph Basson, general committee; P. A. McGuire, arrangements; Harry Rubin, speakers; Lester B. Isaac, technical and historical; H. Griffin, guests; Louis Kaufman, I. A. T. S. E. locals; M. D. O'Brien, publicity, and P. D. Herbst, tickets.

Ticket Men Scoff At Central Agency

A central ticket agency to handle all legitimate stage tickets has again been proposed to the League of New York Theatres. Informed Broadway sources, however, regard it merely as a threat to ticket agencies to induce them to sign a ticket code for the new season.

Alfred Harding, who was designated by Actors Equity, to draw a report on the present code, has turned his statement over to a committee. The committee will meet with the League next week for further discussions.

The proposed central agency is still in a very nebulous stage, with no definite plans for operation. One pro-

(*Continued on page 10*)

Novelty Lost By Television, Says Hyams

No Longer Gets Crowds To London Theatres

The novelty of television in London theatres has worn off already and it no longer draws large crowds unless some special national event is being televised, Mick Hyams, prominent British exhibitor, said yesterday on his arrival here on the *Champlain*.

Hyams said that the market for theatre television is still there but is awaiting perfection of program supply. He said that the medium is technically perfected, even for theatres, but that the problems of programs has not yet been solved.

Weak Drawing Power

"Television as television doesn't mean a thing to a London theatre audience any more," he said. "It takes a Derby, a boat race or an outstanding prize fight to draw. Nothing else will."

Hyams is chairman of the entertainment committee of the Cinematograph Trade Benefit Fund, which is sponsored by the British film industry with royal cooperation. While in America he will arrange for the participation of American talent in the outstanding charity event.

Among the names mentioned in con-

(*Continued on page 2*)

Industry Leaders Flock To FP-Canadian Parley

NIAGARA FALLS, July 26.—Clarence M. Robson, eastern division manager, was chairman of general meetings; Morris Stein, Toronto; Robert Roddick, Western Ontario; L. I. Bearg, Vancouver; A. E. Zorn of Winnipeg, Prairie Zone, and Frank Gow, British Columbia Interior, with Frank Kershaw of Winnipeg, managing director of Western Theatres Limited, in charge of group meetings which were addressed by heads of various departments at the Toronto head office and these discussions took place behind closed doors, full advantage being taken of the convention time with gatherings being held on schedule throughout the day and evening.

The theatre managers included: Jack Arthur, Jerry Shea, Tom Daley, D. Krendel, A. Ritchie, R. Downey, W. Hunt, A. Sedgewick, J. Laver, V. Hudson, M. Margolius, J. Purves, R. Eves, C. L. Querrie, M. J. Doyle, James Lynch, G. Morrell and A. Easson, all of Toronto; G. Forhan, Belleville, E. A. Moule and W. J. Burke of Brantford; A. P. Drohan, Chatham; K. Craig, Cobourg; Clarence Markell, Cornwall; E. J. Landsborough and J. McDonough, Galt; F. McLennan, Brockville; W. K. Trudell and J. Preston, London; C. T. Spencer, George Stroud, Leonard Bishop and H. R. Hitchinson, Hamilton; Ernesy Smithies and T. McCoy, Kingston; C. Georgas, Owen Sound; L. Osier, Oshawa; Ray Tubman, C. Holmes, I. Singerman and A. Stevens, Ottawa; J. V. Ward, Niagara Falls; R. McKibbin and S. Andrews, Guelph; J. Nelson, North Bay; A. E. Cauley, Peterboro; J. S. Smart, Port Hope; W. P. McGeachie, Sault Ste. Marie; S. Scott, Sudbury;

(*Continued on page 10*)

N. Y. Allied Seeking Trade Code in State

New York Allied yesterday started negotiations with the distributors' trade practice committee on "a fair trade practice code for the state of New York."

An all-day meeting between Allied's code committee and the distributors at the Astor resulted in nothing conclusive, it is understood. Another meeting is scheduled soon.

Max A. Cohen, president, and other committee members presented the organization's views to the distributor committee, including recommendations which would amend the code to cover problems peculiar to this state.

Distributor opinion is that no changes of this nature can be made for this or any other state, that the code's principles and rules must be uniform nationwide.

The discussions with Allied center also on revisions sought in the arbitration rules governing clearance

(*Continued on page 8*)

New Zealand Trade Fetes Zukor, Hicks

AUCKLAND, N. Z., July 26.—Exhibitors and distributors from every part of New Zealand joined Monday to pay tribute to Paramount's Adolph Zukor and John W. Hicks, Jr., now en route to Sydney, Australia, with a banquet attended by film men who had traveled as much as a thousand miles from the south of New Zealand to be present.

Yesterday morning Zukor and Hicks attended a reception given in their honor by the Lord Mayor of Auckland, which was followed by a series of industry meetings at which the two American executives were introduced to the visiting exhibitors and distribution men.

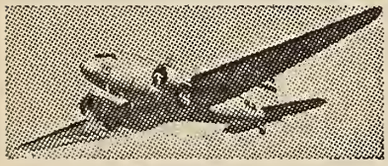
Zukor and Hicks, now on board the *Niagara*, will arrive in Sydney Saturday morning. They will preside over Paramount's Australian convention next Tuesday and Wednesday in Sydney.

Ball Game Features ITOA's Outing Today

A "battle royal" for the baseball trophy won last year by the I.T.O.A. nine will highlight the organization's annual outing today at Indian Point.

The Motion Picture Associates are out to return the trophy to home grounds after having lost it to Harry Brandt's team last year. This is an annual "duel." More than 700 film men, exhibitors and others are expected to attend.

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SHORTEST, FASTEST COAST-TO-COAST

Purely Personal

CHARLES SKOURAS, head of Fox West Coast, leaves today for Los Angeles after attending the National Theatres division chiefs' meeting here. RICK RICKETSON of Denver, FRANK NEWMAN of Seattle and MIKE ROSENBERG of Principal Theatres, Los Angeles, left yesterday.

•

HAL HORNE, SAM SPRING, MONROE GREENTHAL, DWIGHT WIMAN, BUDD ROGERS, SAM SHAIN, HARRY KOSINER, RAY BLANK, HANK LINET, JOSEPH MALCOLM, ARTHUR KELLY, PAUL LAZARUS, PAUL LAZARUS, JR., WILLIAM GERMAN, MAJOR LESLIE E. THOMPSON, ALLAN FRIEDMAN at BOB GOLDSTEIN'S Tavern for lunch yesterday.

•

GEORGE WHITE of "Scandals" fame; CHESTER HALE, famous dance director, and N.T.G., night club impressario, will judge the bathing beauty contest tonight at Loew's 175th St. Theatre, New York. A "Miss Washington Heights of 1939" will be selected.

•

DR. ALLAN ROY DAFOE, member of the cast of "Five Times Five" and also known as physician to the Dionne Quintuplets, will attend an evening performance of the featurette at the Music Hall tonight.

•

ED SCHNITZER, Warner Bros. Eastern District manager, has left for a business trip to Buffalo, Syracuse, Utica and Rochester. He returns to his desk at the N. Y. Exchange on Monday.

•

JACK BARRY of Warner Bros. home office art department, will be married Saturday to MISS SYD DONNENFELD. The couple will spend their honeymoon in the Adirondacks.

•

TEX RITTER, Monogram cowboy star, is on a personal appearance tour of leading southern cities which will occupy him until about Labor Day.

•

LOUIE CHARNINSKY, manager of the Rialto and Capitol theatres in Dallas, has taken over management of the Mirror in addition to his other duties.

•

OSCAR MORGAN, southern division manager for Paramount, returns Saturday from a brief tour of branches in his territory.

•

EUGEN SCHARIN, head of Transatlantic Films, sails for France Saturday on the *Champlain* on a six weeks business trip.

•

LEWIS BUDDY, JR., Continental European representative for Paramount News, arrives tomorrow on the *Conte di Savoia*.

•

HERMAN G. WEINBERG is handling special exploitation on "Harvest" for the French Cinema Center.

•

ART SCHMIDT of Loew's Publicity Department is vacationing on a Westchester golf course.

•

DON GLASSMAN of NBC is back from a vacation in Provincetown and New England.

•

NORMAN H. MORAY, Warners shorts sales manager, was in Cleveland yesterday.

•

STEWART MCDONALD of Warners returns tomorrow from a trip.

GRADWELL L. SEARS, Warners general sales chief, has returned from Chicago.

•

DEL GOODMAN, Far East supervisor for 20th Century-Fox, arrived here yesterday for conferences with WALTER J. HUTCHINSON, director of foreign distribution.

•

AL DAFF, Universal Far Eastern manager, who has been here for the past 10 days, leaves for the coast tomorrow on his return to Japan.

•

LOUIS D. FROHLICH of the Schwartz & Frohlich law firm plans to leave on his annual visit to Saratoga next week.

•

MONROE GREENTHAL left last night to attend the Famous Players Canadian convention at Niagara Falls, Ont.

•

SAM SPRING, film attorney, has returned to New York from a vacation in Maine.

Trade Methods Told In Philadelphia Suit

PHILADELPHIA, Pa., July 26.—Second day of the hearing suit of Landis Theatre, Vineland, against Warners and major distributors had Edgar Moss, exchange manager of Twentieth Century-Fox on the stand all day in U. S. District Court.

Testimony revolved on contracts, clearance, zoning and other trade subjects as Harry Shapiro, counsel for the plaintiff, tried to establish anti-trust law violations on part of the defendants.

Moss brought courtroom down in laughter when, in answer to Judge William Kirkpatrick's expressed amazement at some facts of movie business, he said, "you ought to be in our business, judge." Recess followed.

Fox Arrives Here, Attends FP Parley

Matthew J. Fox, Universal vice-president, arrived in New York from the coast yesterday for conferences with J. Cheever Cowdin, Universal board chairman, who returned yesterday from a European business trip.

Fox left for Niagara Falls, Ont., last night to attend the convention there of managers and executives of Famous Players Canadian. On his return he will be at the home office for two or three weeks before leaving for the studio.

U. S. Housing Short

"Miracles of Modernization," 8-minute color short made by Pathe for the Federal Housing Administration, is being distributed by the F. H. A., 90 Church St. William Waldholz, chief, motion picture distribution, is in charge.

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Novelty Lost By Television, Says Hyams

(*Continued from page* 1)

nection with his mission are those of Eddie Cantor, Mickey Rooney, Deanna Durbin and others. The affair is a command performance before King George and Queen Elizabeth at the Gaumont State Theatre, London, Oct. 18. Hyams is managing director of the theatre.

In addition to the variety performance, the benefit program will include a film selected by Their Majesties from a list of about 20 which will be prepared for them by Hyams' committee. The 20 will be selected from 150 British and American productions which will be volunteered during the next few months.

Hyams leaves for Hollywood by plane next Monday for a two weeks stay.

Cowden Praises 'U' Gains Abroad

(*Continued from page* 1)

features, the first of which will be "Louise", with Grace Moore, based on the opera of the same name.

Burstyn reported that French producers are no longer attempting to compete with Hollywood production in the sense of endeavoring to turn out the same type of product. Instead, he said, they are applying themselves to the production of "typically French" pictures in their own *metier* and are meeting with considerably greater success in world markets as a result.

Discipline by IATSE

LOS ANGELES, July 26.—Disciplinary action against members of A. F. of L. studio crafts who join CIO-financed United Studio Technicians Guild loomed today as I.A.T.S.E. International officers prepared an order prohibiting members from joining U. S.T.G. Constitutional provisions of craft unions forbid dual unionism.

'Mr. Wong' to Globe

Monogram's "Mr. Wong in Chinatown," third in the series starring Boris Karloff, is booked to open at the Globe here on Saturday.

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SOMETHING'S GOING TO CRASH!
(Including your record on 'Angels with Dirty Faces'!)

CAGNEY and RAFT together!!

"EACH DAWN I DIE"

with Jane Bryan
George Bancroft
Maxie Rosenbloom
Directed by
WILLIAM KEIGHLEY

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WARNERS
Made the Picture that Tops it!

WARNERS
For Action!
For Fair Play!

JACK L. WARNER
in Charge of Production
HAL B. WALLIS
Executive Producer
DAVID LEWIS
Associate Producer

AT 4:10 P.M. OF THE 6th DAY



EACH DAWN I DIE

STILL HAD THEM LINED ACROSS THE MEZZANINE, BEHIND THE ORCHESTRA, INTO THE LOBBY, OUT TO THE STREET AND AROUND THE CORNER OF THE NEW YORK STRAND!

Bye, bye 'Angels' records!

1938-39 ENDS THE WAY 'FOUR DAUGHTERS' STARTED IT— WITH WARNERS ON TOP!

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	MONOGRAM
June 23	Clouds Over Europe *Olivier Valerie Hobson* (G) (D)	Maisie *Ann Sothern Robert Young*	Grand Jury Secrets Heritage of the Desert (O)	In Old Caliente *Roy Rogers Mary Hart*	Five Came Back *Chester Morris Lucille Ball* (G) (D)	Susannah of the Mounties *Shirley Temple Scott*			The Kid from Kokomo *O'Brien Wayne Morris* (G) (C)	Stunt Pilot *John Trent* (June 30)
June 30	Parents on Trial Good Girls Go to Paris	Stronger than Desire *Virginia Bruce Walter Pidgeon* (A) (D)	Bulldog Drummond's Bride *John Howard Heather Angel*	Wyoming Outlaw (O) *John Wayne*	Timber Stampede *Geo. O'Brien*	It Could Happen to You *Gloria Stuart Stuart Erwin* (G) (D)		House of Fear *Wm. Gargan Irene Hervey*		The Man from Texas (O) *Tex Ritter* (July 21)
July 7		On Borrowed Time *Lionel Barrymore Hardwicke* (G) (D)	Man About Town *Jack Benny Dorothy Lamour* (G) (C)	Mickey, the Kid *Bruce Cabot*	Career *Anne Shirley Edward Ellis*	Mr. Moto Takes a Vacation *Peter Lorre Schildkraut*		Forgotten Woman *Sigrid Gurie*	Naughty But Nice *Dick Powell*	Mr. Wong in Chinatown *Boris Karloff Marjorie Reynolds* (Aug. 4)
July 14	A Woman Is the Judge *Rochelle Hudson*	They All Come Out *Rita Johnson*	Million Dollar Legs *Betty Grable Jackie Coogan* (G) (C)	She Married a Cop *Phil Regan Jean Parker*	Of Human Bondage The Lost Squadron (reissues)	Second Fiddle *Henie Power Vallee*		Unexpected Father *Baby Sandy Mischa Auer*	Waterfront *Gloria Dickson* Hell's Kitchen (G) (D)	Girl from Rio *Movita* Riders of the Frontier (O) (Aug. 18)
July 21	Blondie Takes a Vacation (G) (C) The Man from Sundown	Andy Hardy Gets Spring Fever *Rooney Lewis Stone*	Magnificent Fraud *Akim Tamiroff Lloyd Nolan* (A) (D)		Way Down South *Bobby Breen Alan Mowbray*	News Is Made at Night *Preston Foster* Ware Case *Clive Brook*		I Stole a Million *George Raft Claire Trevor* (G) (D)	Daughters Courageous *John Garfield Priscilla Lane* (G) (D)	Oklahoma Terror (O) *Jack Randall* (Aug. 25)
July 28	Behind Prison Gates *Brian Donlevy Jacqueline Wells*	Goodbye, Mr. Chips *Robert Donat* (G) (D)	Island of Lost Men *Anna May Wong Truex Blore*	Should Husbands Work? *Three Gleasons*	The Spellbinder *Lee Tracy Barbara Read* (G) (D)	Frontier Marshal *Randolph Scott Binnie Barnes* (O)	Winter Carnival *Ann Sheridan Richard Carlson* (G) (C)		Cowboy Quarterback *Bert Wheeler Marie Wilson Gloria Dickson*	G. N.
Aug. 4	Coast Guard *Randolph Scott Ralph Bellamy Frances Dee*	Miracles for Sale *Robert Young Florence Rice*	Night Work *Mary Boland Charlie Ruggles*	Colorado Sunset (O) *Gene Autry Smiley Burnette*	Bachelor Mother *Ginger Rogers David Niven* (A) (C)	Elsa Maxwell's Hotel for Women *Ann Sothern*	Four Feathers *Ralph Richardson Aubrey Smith* (G) (D)		Indianapolis Speedway *Ann Sheridan Pat O'Brien* (G) (D)	Singing Cowgirl (O) *Dorothy Page* (June 2)
Aug. 11		Lady of the Tropics *Hedy Lamarr Robert Taylor*	Our Leading Citizen *Bob Burns Susan Hayward*	New Frontier (O) *John Wayne Ray Corrigan*	Bad Lands *Robert Barrat Noah Beery, Jr.*	Chicken Wagon Family *Jane Withers Leo Carrillo Marjorie Weaver*	Man in the Iron Mask *Joan Bennett Louis Hayward* (G) (D)	When Tomorrow Comes *Charles Boyer Irene Dunne*	Playing with Dynamite *Jane Wyman Allen Jenkins*	
Aug. 18	The Man They Could Not Hang *Boris Karloff Roger Pryor*	These Glamour Girls *Lew Ayres Lana Turner Tom Brown*	This Man Is News *Barry K. Barnes* Renegade Trail	In Old Monterey (O) *Gene Autry Smiley Burnette*	The Kind Men Marry *Carole Lombard Cary Grant Kay Francis*	Stanley and Livingstone *Spencer Tracy Nancy Kelly*	They Shall Have Music *Jascha Heifetz Andrea Leeds* (G) (D)		Each Dawn I Die *James Cagney George Raft* (G) (D)	
Aug. 25	Five Little Peppers and How They Grew *Edith Fellows*	Wizard of Oz *Judy Garland Frank Morgan Bert Lahr*	Star Maker *Bing Crosby Louise Campbell*	Smuggled Cargo *Rochelle Hudson Barry MacKay*	Fighting Gringo *George O'Brien*	Jones Family in Quick Millions *Jed Prouty*		First Love *Deanna Durbin Eugene Pallette*	The Angels Wash Their Faces *Dead End Kids* (tough)	

Paramount Pictures

Book these PARAMOUNT SHORTS when you book your features!

JULY 28 — Popeye the Sailor Cartoon — IT'S THE NATURAL THING TO DO

AUGUST 4 — POPULAR SCIENCE #6 — Cinecolor

AUGUST 11 — Betty Boop Cartoon — YIP-YIP-YIPPY

AUGUST 18 — SWEET MOMENTS — Russ Morgan and Orchestra

100% BOX OFFICE tested

'Time' Leaps To Big $6,000 In Los Angeles

LOS ANGELES, July 26.—"On Borrowed Time" proved a big draw at the 4 Star here, taking $6,000 in six days against a house average of $3,200 for ⇒ period.

At the Hillstreet, "I Stole a Million" dualled with "Blondie Takes a Vacation" was strong at $7,500, the combination dropping to $5,500 at the Pantages.

Estimated takings for the week ending July 26:

"Second Fiddle" (20th-Fox)
"It Could Happen to You" (20th-Fox)
CHINESE — (2,500) (30c-$1.00) 7 days. Gross: $13,200. (Average, $12,500)
"On Borrowed Time" (M-G-M)
4 STAR—(900) (40c-50c) 6 days. Gross: $6,000. (Average, $3,250)
"I Stole a Million " (Univ.)
"Blondie Takes a Vacation" (Col.)
HILLSTREET—(2,700) (30c-65c) 6 days. Gross: $7,500. (Average, $6,500)
"Second Fiddle" (20th-Fox)
"It Could Happen to You" (20th-Fox)
LOEW'S STATE—(2,500) (30c-$1.00) 7 days. Gross: $12,800. (Average, $14,000)
"I Stole a Million" (Univ.)
"Blondie Takes a Vacation" (Col.)
PANTAGES—(3,000) (30c-65c) 6 days. Gross: $5,500. (Average, $7,000)
"Man About Town" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. 2nd week. Stage: "Rochester" and F. & M. revue. Gross: $14,000. (Average, $18,000)
"Daughters Courageous" (W. B.)
"Sweepstakes Winner" (W. B.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days. Gross: $12,200. (Average, $14,000)
"Daughters Courageous" (W. B.)
"Sweepstakes Winner" (W. B.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days. Gross: $11,800. (Average, $12,000)

UA to Ask for Folly Trust Suit Dismissal

Dismissal of the $250,000 triple damage anti-trust suit brought by Folly Amusement Holding Corp. against the major companies, Republic, Monogram and Randforce Amusement Co. will be sought Tuesday by United Artists before Federal Judge Murray Hulbert.

U. A. contends that no cause of action is stated, and will ask in the alternative of a dismissal, that portions of the complaint be stricken out and a bill of particulars granted.

Plaintiff contends that it was forced to abandon operation of the Folly, Brooklyn, because of an alleged conspiracy in restraint of trade.

Early AGVA Ballot On Secretary Seen

Executive secretary of the new American Guild of Variety Artists will be chosen within the next week or ten days, it was learned yesterday. A.G.V.A. offices were opened yesterday and the staff was busily engaged all day in sorting and classifying 1,500 applications which are now on hand.

Approximately nine-tenths of the applications are from former American Federation of Actors members, officials disclosed. Florence Marston, Eastern representative of Screen Actors Guild, is acting as temporary executive secretary, but will positively not continue permanently in that post, it was stated. Candidates for the permanent post are being interviewed, but no disclosure was made of the persons being considered.

Theatre, Personnel Notes

Manages Negro Houses
CINCINNATI, July 26.—J. F. Goldman, who operates the Roosevelt and Lincoln, has taken over the Beecher. These are the only local houses catering exclusively to Negro patronage.

Manages Colorado Theatre
DENVER, July 26.—Leo McNamara has gone to Manzanola, Colo., to manage the Manzanola theatre there for Mrs. Pearl Gayton, owner.

Theatres Open Part Time
DENVER, July 26.—Fox has reopened the Rialto at Walsenburg, Colo., for two days a week; the Del Rio, at Las Vegas, N. M., for three days a week; and the Coronado, also at Las Vegas, for six days a week. The Kit Carson, La Junta, Colo., is closed for a time.

New Theatre at Dam
DENVER, July 26. — The WEM Amusement company is opening a new theatre, the Green Mountain, at the Green Mountain dam, a government project in Colorado.

Cocalis Reopens Dale
Cocalis circuit has reopened the Dale, Bronx.

Art Stolte Lands Big One
DES MOINES, July 26.—Art Stolte, district manager of Tri-States Theatres Corp., has joined the big fish-catching class. For three years he has been vacationing at the Lake of the Woods with a muskellunge as his objective. This year he made it. The "musky" arrived in Des Moines as proof. Thirty members of the Tri-States force joined in the fish banquet at Hotel Kirkwood July 24.

Des Moines 'Swank' Screening
DES MOINES, July 26.—Civic leaders of Des Moines attended an exclusive showing of the Bob Burns picture, "Our Leading Citizen," at the Paramount projection room Wednesday.

Remodeled Theatre Reopens
CARTHAGE, Ill., July 26.—Kenneth Bowersock, new owner of the Auditorium theatre here, reopened the house last week after extensive repairs and remodeling.

New Brooklyn House
A 600-seat house is under construction at Coney Island Ave. and Ave. H, Brooklyn. It is scheduled to be completed by September.

Two Summer Closings
NEW BRUNSWICK, N. J., July 26.—RKO State has been closed for alterations. The Europa has been closed for the Summer.

Herman Takes Over Hawthorne
HAWTHORNE, N. J., July 26.—William C. Herman has again taken over operation of the Hawthorne.

Theatre Gets Neon Lights
PLANT CITY, Fla., July 26.—This city's business section was lighted up as never before when the new neon lights on the State were turned on this week. Interior decorations have been added and other work looking toward complete modernization of the house. The State was erected by the Sparks interests who also own and operate the Capitol here.

Grantham Buys Kansas House
KANSAS CITY, July 26. — J. W. Grantham has bought the Ritz at Baxter Springs, Kan., from Homer Garber and has closed the house for the summer. He is continuing operation of the new Baxter.

Opens New Wichita House
WICHITA, Kan., July 26.—T. H. Slowother this week opened the new Sandra Theatre here.

Venus Closes Doors
Venus, Brooklyn (Gus Stamatus), is closed.

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French Films Show Strong Canada Gain

TORONTO, July 26.—French motion pictures imported from France for theatrical use continue to hold their own in Canada, according to the annual statistics of the Customs and Excise Division of the Dominion Government for the fiscal year ending March 31. French motion pictures took a sudden jump in Canada in the 1937-38 year and have continued to enjoy an extensive demand.

Total positive film imports reported by the Canadian Government for the past fiscal year were 4,797,640 feet with a value of $384,633, as compared with 5,416,459 feet and $432,687 for the previous 12 months.

The United States led the way as an exporting nation with a total of 3,231,520 feet of positive film, valued at $258,878, sold to the Dominion, compared with 3,348,732 feet and $266,968 for the preceding period.

France stood second in the trade with Canada with 1,206,534 feet, valued at $96,424, for the past year, against 1,482,822 and $119,104 for the 1937-38 year. The decrease in prints from France is comparable with that for film imports from the States but the drop in positive films from Great Britain was somewhat more marked.

During the latest fiscal year, 332,276 feet of film, valued at $26,705, were brought from the United Kingdom by Canadian importers, against 562,367 feet, valued at $44,761, for the preceding period.

No educational films were imported from France, according to the Customs' records, and the United States headed the list in this respect with prints valued at $6,336 out of a total $8,086. The total for the previous year was $6,791, of which $5,493 was the value of instructional films from the U. S. Imports from England in the past year were valued at $1,310, against $1,015 for the previous year.

Await Review Dates

ALBANY, July 26.—No definite date has been set for Appellate Division reviews of "Human Wreckage" and "Animated Diagrams of the Human Body." "Human Wreckage" was rejected by Irwin Esmond and failed in its appeal to the Board of Regents, while "Animated Diagrams," a government made picture in the World War era, was withdrawn from exhibition after having been screened at intermittent intervals from 1921.

Republic in India Deal

Morris Goodman, Republic foreign distribution chief, has closed a deal with Keshaval D. Mody & Co. of Bombay, India, for the distribution of a group of features and serials in India, Burma and Ceylon. This is the only American product handled by the company. B. Jani handled the deal here for the company.

330,000 Hear Pons

CHICAGO, July 26.—Lily Pons and Andrew Kostelanetz Sunday night drew 330,000 persons to Grant Park for the free concert. It was the largest gathering ever held here.

'Fiddle' Beats K. C. Heat and Garners $9,600

KANSAS CITY, July 26.—"Second Fiddle" garnered $9,600 at the Esquire and Uptown for the best showing in a week that proved surprisingly good for first runs, considering the extremely hot weather and the Blues' American Association all-star game the 19th, which drew 17,000, and their subsequent home stay. "Second Fiddle" did $4,400 at the Esquire, where $3,000 is par, and $5,200 at the Uptown, where $4,000 is average. The picture was held at both houses. Big money went to the Midland with "On Borrowed Time" and "Stronger Than Desire" which were worth $11,800, up $300.

Total first run business was $27,000. Average is $25,500.

Estimated takings for the week ending July 18-20:

"Second Fiddle" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $4,400. (Average, $3,000)

"On Borrowed Time" (M-G-M)
"Stronger Than Desire" (M-G-M)
MIDLAND — (4,000) (25c-40c) 7 days. Gross: $11,800. (Average, $11,500)

"Man About Town" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days, 2nd week. Gross: $5,600. (Average, $7,000)

"Second Fiddle" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $5,200. (Average, $4,000)

'Second Fiddle' Best Magnet at Montreal

MONTREAL, July 26.—"Second Fiddle" at the Palace Theatre was the first fiddle in grosses for the past week among Montreal first-runs with a take of $8,500, attendance being boosted somewhat by the observance of Bastille Day among the French-Canadians.

Estimated takings for the week ending July 21:

"Tarzan Finds a Son" (M-G-M)
"It Could Happen to You" (20th-Fox)
CAPITOL—(2,547) (25c-40c-55c-65c). Gross. $5,400. (Average, $8,000)

"Good Girls Go to Paris" (Col.)
LOEW'S—(2,800) (30c-40c-60c) 6 days. Gross: $4,800. (Average, $8,000)

"Ex-Champ" (Univ.)
"The Family Next Door" (Univ.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $1,800. (Average, $5,000)

"Second Fiddle" (20th-Fox)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $8,500. (Average, $11,000)

"Blackwell's Island" (W. B.)
"Gracie Allen Murder Case" (Para.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $3,500. (Average, $6,500)

WABY Asks More Power

ALBANY, July 26.—WABY is about to file application with the F.C.C. for an increase in night wattage from 100 to 250. Primary coverage of Albany, Rensselaer, Schenectady and Columbia counties, effective by day, would then be extended after dark, aiding the baseball and other "listener pull" programs. WABY attorneys in Washington are submitting the briefs.

Buys 'Stanley' Rights

HOLLYWOOD, July 26.—Rights to the semi-biographical novel, "Henry M. Stanley in England," by Georges Drumcurt, have been acquired by 20th Century-Fox. It will be filmed as a sequel to the forthcoming "Stanley and Livingstone" by the same studio.

London Trade Notes

LONDON, July 26.—During the year ending June, 1939, another fourteen agreements on wages and hours were signed between the N.A.T.K.E. and the C.E.A. These make a total of thirty-three and negotiations are still going on in nineteen other areas. During 1938 10,000 new members were enrolled, while from January to June this year 4,400 have been added.

George Smith has been appointed deputy chairman of the new British Film Production Association. The B.F.P.A., includes the F.B.I. Film Group which was recently merged with it.

S. K. Lewis, of the Birmingham branch of the C.E.A., has been nominated by his group for the vice-presidency of the Association in the 1940-41 period.

A church in London which shows films after its Sunday service has not only had a projector installed, but has set up a neon sign outside the building.

Guarantees as to the continued employment of cinema workers joining the Forces under the new Militia Act, are sought by the N.A.T.K.E., from the C.E.A.

The Union asks for the guarantee that employees joining up will have their jobs kept for them and that they will be paid wages whilst training in camp.

C.E.A. headquarters has advised its members to keep an eye on their insurance policies in order to see that they are covered from damage by bomb explosions in peace time. This precaution arises from recent bomb outrages carried out by Irish terrorists. Most exhibitors' insurances do not cover such eventualities, but the matter is adjustable by the payment of an additional premium.

The circular points out, also, that recent explosions in cinemas have been made possible by bombs being carried in under cover of parcels, and warns exhibitors that they are entitled to refuse admission to anyone.

New Incorporations Are Filed at Albany

ALBANY, July 26.—Incorporation filed with Michael F. Walsh, Secretary of State, include authorization for issuance of $100,000 capital stock to the Friedman Theatrical Enterprises, Inc., Newburgh. Directors are Theodore J. Friedman, Suffern; Harry J. Friedman, Newburgh, and Rose Friedman, 705 Gerard Ave., Bronx. Papers were submitted by N. Joseph Friedman, Catskill.

Other incorporations were:

Cosmic Theatrical Agency, Inc., 200 shares, no par value. Directors are Tony Kobrin, 7323 67th Drive, Middle Village; Max Tepperman, 63 W. 73rd St. and Albert Leving, 1061 Morris Ave., Bronx. Attorneys are Turchin and Brown, 270 Broadway, New York.

Documentary Film Productions, Inc., motion pictures, by John E. Cosgrove, Edwin E. Lindgren and David H. Jackman, 150 Broadway, New York. Charles W. Dibbell, 14 Wall St., New York, submitted the papers.

H. J. Yates, Autry Sailing for England

A party of six sailed with H. J. Yates on the *Manhattan* yesterday. Included were Mr. and Mrs. Yates; Mr. and Mrs. Walter Titus, their daughter and son-in-law; Richard Yates, a son, and Mr. and Mrs. Gene Autry.

The party will accompany Autry on a personal appearance tour of England, Ireland and Scotland, returning here Sept. 12.

While in London Yates will confer with Sam Smith, head of British Lion, Republic distributor there.

AFRA Backs Board

CHICAGO, July 26.—The American Federation of Radio Actors last night voted full support to the board of directors, saying they would back them in any stand they took in negotiations with stations and agencies. The AFRA convention opens here Aug. 24.

65 New Theatres Gained by Poland

WASHINGTON, July 26.—An increase of 65, or 8.4 per cent, in the number of theatres in Poland in 1938 is reported by Jule B. Smith, acting commercial attache at Warsaw. Last year there were 834 cinema houses.

The seating capacity jumped from 272,812 in 1937 to 297,611 in 1938. Of the 14 largest cities in Poland, Warsaw led with 68 theatres. Attendance in Warsaw theatres in 1938 jumped 10.7 per cent, or from 5,762,970 in 1937 to 6,382,044 in 1938.

London Council Okays 'Mamlock'

LONDON, July 26.—London County Council, the city's governing body, today passed "Professor Mamlock," Russian-made anti-Nazi film, for adult audiences. "I Was a Captive of Nazi Germany," independent film made in America, also was approved for adults. Deletions were demanded in both pictures.

The Council took no action on Warners' "Confessions of a Nazi Spy" which recently was licensed by the British Board of Film Censors for universal exhibition.

The Council viewed all three films following the censors' rejection of "Mamlock."

N. Y. Allied Seeking Trade Code in State

(*Continued from page* 1)

which the independents feel would give them a better break.

Col. H. A. Cole, president of national Allied, will report to the national board on the New York unit's decision to negotiate on the code. He discussed the matter with the New York directors here this week. Cole informed them that with the exception of the local group all Allied units which have met since the national convention in Minneapolis have endorsed the convention's action in rejecting the code.

Cole left yesterday by boat for Galveston en route to his home in Dallas.

Boston Gives '2nd Fiddle' Strong Play

BOSTON, July 26.—"Second Fiddle" and "It Could Happen to You" equaled better than average winter grosses by taking $19,000 at the Metropolitan this past week.

"Clouds Over Europe," dualing with "Forgotten Woman," took second place with $14,700 at Keith Memorial. Third came "Tarzan Finds a Son" and "Stronger Than Desire" playing at both Loew houses, Orpheum and State, taking $13,600 and $12,200.

Estimated takings for the week ending July 19:

"The Girl and the Gambler" (RKO) (1st run) (4 days)
"SOS Tidal Wave" (Rep.) (1st run) (4 days)
"Rose of Washington Square" (20th-Fox) (2nd run) (3 days)
"Inspector Hornleigh" (20th-Fox) (2nd run) (3 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross: $5,600. (Average, $7,500)

"Clouds Over Europe" (Col.)
"Forgotten Woman" (Univ.)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: $14,700. (Average, $14,000)

"Man About Town" (Para.)
"Grand Jury Secrets" (Para.)
PARAMOUNT — (1,797) (25c-35c-40c-55c) 7 days. Both 2nd run. Gross: $7,000. (Average, $7,000)

"Man About Town" (Para.)
"Grand Jury Secrets" (Para.)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. Both 2nd run. Gross: $4,300. (Average, $4,500)

"Second Fiddle" (20th-Fox)
"It Could Happen to You" (20th-Fox)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $19,000. (Average, $14,000)

"Tarzan Finds a Son" (M-G-M)
"Stronger Than Desire" (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: $13,600. (Average, $14,000)

"Tarzan Finds a Son" (M-G-M)
"Stronger Than Desire" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: $12,200. (Average, $10,000)

"Naughty But Nice" (W. B.)
"Susannah of the Mounties" (20th-Fox)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. Both 2nd run. Gross: $3,000. (Average, $4,000)

Richey Finds Good Business on Tour

Theatre business in the Cincinnati and Indianapolis territories has improved in the last 10 days, Henderson M. Richey, director of exhibitor relations for RKO, reported yesterday on his return from a trip to those cities and Chicago.

Richey was given that information by circuit heads. Business prior to the uptrend was considerably off.

Richey's trip was a checkup with local exchange managers on clearance and other local problems.

Wanger Libel Suit Decision Reserved

Decision was reserved yesterday by N. Y. Supreme Court Justice Felix B. Benvenga on the motion of News Syndicate, Inc., to dismiss a $1,000,000 libel suit brought against it and Ed Sullivan, columnist, by Walter Wanger. Defense contended that no libel was set forth, and none intended, in Sullivan's column which was printed May 21. Charles Schwartz, of Schwartz & Frohlich, stated that the publication had been made with "malicious intent."

"Ideal"

▪ ▪ ▪ "I HAVE FOUND YOUR JOURNAL AS NEAR TO THE IDEAL AS IT IS POSSIBLE FOR A PUBLICATION TO BE, AND WONDER HOW I HAVE GOT ALONG WITHOUT IT IN THE PAST." ▪ ▪ ▪ ▪

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Resident Manager

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DEWSBURY, YORKSHIRE, ENGLAND



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MOTION PICTURE HERALD

ROCKEFELLER CENTER • NEW YORK

Trade Chiefs At FP Parley Closing Today

(*Continued from page 1*)

Ted Doney, St. Thomas; G. W. Martin, Trenton; R. J. Harrison, St. Catharines; T. Forhan, Welland; R. Knevels, H. C. Merritt, J. J. LeFave, E. Lamoureux and S. C. Clayman; H. V. Neun and A. Scandrett, Woodstock; W. J. Fawcett, Sarnia; L. M. Graburn and R. J. McAdam, Halifax, N. S.; F. W. Winter, Moncton, N. B.; J. Connor, Glace Bay, N. S.; D. P. MacDonald, Sydney, N. S.; W. H. Golding, St. John, N. B.; J. M. Franklin, Halifax; S. Korman, Rouyn; R. Maynard, Cartier, Hull, Que.; P. Valliere, Quebec City; G. T. Robert, Three Rivers, Que.; Frank Willis, Fort William, Ont.; P. D. Egan, K. M. Leach and L. C. Straw of Calgary, Alta.; A. Entwistle and W. Wilson, Edmonton, Alta.; A. W. Shackleford, Lethbridge, Alta.; P. J. Hanifen, Halifax; Donald Gauld and Harold Bishop, Winnipeg, Man.; R. Micheltree, Calgary; Mel Gow, Nanaimo, B. C.; J. R. Muir, Vancouver, B. C.; J. M. Robertson, Victoria, B. C.; Cliff Denham and M. Prieswerck, Victoria; D. Borderland, Prince Rupert, B. C.; William Novak, Regina, Sask., and others.

The company proper is represented by President N. L. Nathanson, Vice-President J. J. Fitzgibbons, President Barney Balaban of Paramount, New York, Thomas J. Bragg and R. W. Bolstad, all of whom are directors, while the head office staff is represented by N. G. Barrow, F. J. Justin, B. Geldsaler, J. Nairn, Ben Cronk, J. A. Troyer, W. Kerr, L. G. Geering, M. Perry, R. G. Darby, A. MacCunn, E. Harris, Ben Whitham, C. A. Dentelbeck and J. J. Taylor.

Scheduled to be guests of honor at the banquet Thursday evening in the ballroom of the General Brock Hotel are Hon. Mitchell Hepburn, Premier of Ontario; Hon. J. E. Lawson, member of the Dominion Parliament; Major John Bassett, Montreal newspaper publisher and Barney Balaban. At the final noon luncheon on Thursday the speakers include A-Mike Vogel of New York and executive representatives of each of the eight major film exchanges in Canada.

Throughout the afternoon business will give way to sports open to all employes of the company, the program of competitions being under the direction of J. A. Troyer, of Famous Players' head office, as chairman of the convention sports committee.

A feature of the gathering was the distribution of bonus payments to theatre managers who had earned the cash prizes by increase of business during the past year on a quota system. Added excitement was enjoyed by participation in a substantial raffle which was a side-issue of the convention.

Large N. Y. Delegation Goes to Niagara Falls

A large New York delegation of film company executives left yesterday to attend the Famous Players Canadian convention at Niagara Falls, Ont., and the banquet tonight.

Among those attending are: Barney Balaban, president of Paramount, with J. J. Unger, eastern and southern division manager, Alec Moss and Fred Mohrhart of Paramount; Jack Cohn, Columbia president, and Abe Montague, general sales manager; Jules Levy, RKO sales chief; Haskell Masters, general manager of Canadian exchanges for United Artists, and Monroe Greenthal; Matthew Fox, Universal vice-president, and F. J. A. McCarthy, Eastern division sales manager; Roy Haines, Eastern and Canadian sales manager for Warners, and Carl Leserman, assistant general sales manager; and James R. Grainger, president of Republic.

BANNER RADIO LINES

By JACK BANNER

ROYAL'S DEALS . . . John Royal, who never makes a trip, European or otherwise, without signing up personages for NBC's airways, returned from Europe yesterday and make known that this time he had signed up no less than Anthony Eden and Winston Churchill for broadcasts on NBC. He also arranged for Hugh Gibson, former U. S. Ambassador to Brazil and Belgium, now in London, to speak for NBC in a series of six broadcasts.

The last time Royal went to Europe he played golf with the Duke of Windsor and volunteered NBC's facilities to the Duke on any occasion. Some months later the Duke found a desire to deliver a peace message.

CBS's Hans V. Kaltenborn is scheduled to fly to Europe next week on a mission similar to the one just fulfilled by Royal, and unless he signs a King or two it's hard to see how he will be able to improve on Royal.

Eden is scheduled to speak from London to the NBC audience in America twice a month starting the middle of September. Churchill will speak at least once a month. Gibson will travel from country to country and will summarize current conditions and discuss the conditions he finds in his travels.

Royal also made offers to Germany and Italy in an effort to present all sides of the European situation. He also revealed that Arturo Toscanini will fly as a Clipper passenger when he returns to America for this season's symphony broadcasts over NBC. Toscanini will leave Lucerne Sept. 14 and will conduct 16 broadcasts for NBC during the Fall and Winter.

TENNYSON'S DEBUT . . . Jean Tennyson, who was formerly heard on the air in the Radio City Music Hall broadcasts, will make her debut with the Philadelphia Orchestra tomorrow night, singing in the Robin Hood Dell.

NOVA PILBEAM IN TELEVISION . . . From BBC we're told that Nova Pilbeam will make her television debut next week in "Prison Without Bars," which has been filmed both in France and England.

GEORGE FISHER DAY AT FAIR . . . George Fisher is heading East and on August 2 his "Hollywood Whispers" program will originate from the New Jersey Building at the World's Fair. The day will be known as his day at the Fair and his guests on the program will be Gary Cooper and Susan Hayward, who will be in town for the premiere of "Beau Geste."

PERSONALS AND NOTES . . . Horace Heidt will be out of the hospital on Saturday to conduct his radio series. Heidt was rushed in for an emergency appendectomy. . . . Music Corp. has set Jack Benny's Eddie Rochester, Betty Grable and Frankie Masters' band into a unit for vaudeville. The unit will open Aug. 4 at the Earle Theatre, Washington. Six weeks are set, with other dates to be filled in. . . . Buddy Rogers, who is back in swing with a new orchestra, is breaking it in on the road, and will sit down in a Detroit club Aug. 4. . . . Bob Hope will be Ben Bernie's celebrity guest at the Astor tonight. . . . Bill McCune, booked into the Essex House for a week, will remain over throughout the Summer. . . . Bill Ray, who heads the NBC publicity department in Chicago, in town until the close of the week.

Vincent Lopez played to almost 2,500 people in Birmingham Monday night, the biggest crowd collected by an orchestra in that city the past two years. . . . Paul Whiteman's orchestra off on a two-month dance tour and will broadcast en route. . . . Clint Johnson has joined the announcing staff of WHN, coming from WFIL, Philadelphia. . . . Norm Kapham of WHN's publicity department, back from a two-week fishing trip. . . . Mrs. Eleanor Roosevelt will "pinch hit" for Dave Elman in the "Hobby Lobby" broadcast Aug 2.

TELEVISED STYLE SHOWS . . . Arnold Constable will start a regular series of style shows over NBC television today, and Franklin Simon will do the same starting Aug. 24.

Don Cope, who produces the Maxwell House and Joe E. Brown programs in Hollywood for Benton & Bowles, is in town for the week. . . . Tom Revere, director of radio for Benton & Bowles, has returned from a Hollywood trip.

WARING BORROWS . . . Fred Waring dropped into the Lincoln the other day, heard Jan Savitt's arrangement of the Raymond Scott tune, "18th Century Drawing Room," and became enthusiastic about it. Accordingly he has borrowed the arrangement, and tonight, when the tune is played during Waring's broadcast, Savitt will conduct the Pennsylvanians for the one number.

Program on Newsreels

"Americans at Work" series on CBS, will reveal the workings of a newsreel camera crew on the job in the broadcast of Aug. 5. The scene will be a tunnel construction job, covered by a Fox Movietone newsreel crew. John Reed King will give the word picture of how the newsreel crew works, and meanwhile another Movietone newsreel crew will operate in taking pictures of how the radio men work.

Central Ticket Agency Plans Draw Scorn

(*Continued from page 1*)

ducer has offered to set up such agency and sell tickets at a 25-cent advance. It is believed that a central agency conducting business at such an advance could gross $250,000 annually.

Another plan advanced is a consolidated ticket agency similar to that used by railroads. There is little likelihood, however, that any method will be ready in time for the new season as considerable research and planning would be needed.

Gustave A. Gerber, attorney for Associated Theatre Ticket Agencies, yesterday heatedly denounced a central office and stated that he might bring suit to stop it, if the attempt actually were started.

Two previous attempts by producers to operate their own agencies have been made. Both failed principally because they could not obtain the cooperation of all producers, who sold to independent agencies.

Music Hall Books Next Four Films

W. G. Van Schmus, managing director of Radio City Music Hall, yesterday announced four films to follow "Winter Carnival" which opens there today. "In Name Only" will go into the Music Hall Aug. 3, to be followed by "Fifth Avenue Girl," "Nurse Edith Cavell," and "Golden Boy."

Second week of "The Man in the Iron Mask" grossed an estimated $78,000 at the Music Hall. "Andy Hardy Gets Spring Fever" drew an estimated $33,000 at the Capitol and continues there.

"Mr. Wong in Chinatown" will open at the Globe Saturday. "They All Come Out" follows "Of Human Bondage" Wednesday at the Criterion. "The Ware Case" is held over for a second week at the Little Carnegie.

The new "Beau Geste," starring Gary Cooper, is scheduled to open at the Paramount here next Wednesday for an extended run.

TMAT Charges Hit At Rugoff & Becker

Formal hearing before N. Y. State Labor Relations Board on petition of Theatrical Managers, Agents and Treasurers Union for certification as collective bargaining agency in the Rugoff & Becker circuit continued yesterday with Albert L. Greene, manager of the Oceana, Brooklyn, on the stand.

Gustave A. Gerber, union counsel, introduced into evidence a series of stationery forms, each bearing the name Rugoff & Becker, in an effort to prove that the 13 houses involved were under one ownership and that all should be included in one bargaining agency.

Mitchell Klupt, attorney for the employer, contends that the houses are operated by separate corporations and that each corporation is the proper unit.

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

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(6 COPIES)

VOL. 46. NO. 19 NEW YORK, FRIDAY, JULY 28, 1939 TEN CENTS

Gov. Horner Vetoes Duals Bill in Illinois

Called Unconstitutional; City Law Probable

SPRINGFIELD, Ill., July 27. — Gov. Henry Horner today vetoed the Sandquist bill passed by the recent General Assembly which would have limited film shows in Illinois to two hours and 15 minutes and outlawed double features.

The Governor called the bill unconstitutional. It was favored by independent exhibitors in Chicago.

"In an opinion the Attorney General informs me that this bill is unconstitutional," Gov. Horner said. "He states that our Supreme Court has consistently decided that the power of the General Assembly to regulate a lawful occupation extends only to such measures as are reasonably necessary and appropriate for the accomplishment of a legitimate object within the domain of the police power; that the police power cannot be invoked unless the purpose to be attained has a rational and clear relationship to the public health, morals, safety or welfare; that this bill contains no reference to the quality or character of motion picture films exhibited, and consequently, was not intended to protect public morals, safety or welfare; and that, in the absence of competent scientific proof to the contrary, there is no reason to believe that public health will be adversely affected by

(Continued on page 6)

Manual Is Ready For Golden Jubilee

The press book for the industry's golden anniversary observance will go out to exhibitors throughout the country about the middle of next week, according to plans of the committee in charge. About 18,000 copies of the manual will be distributed by mail. The observance is scheduled to begin about Aug. 15, culminating with the anniversary week, Oct. 1 to 7.

All material for inclusion in the manual has been completed and is now before the Advertising Advisory Council for approval. The book will have 24 pages and will include numerous suggestions for tie-ups with merchants, products and industries; a reproduction of a message to be delivered by Will H. Hays on Aug. 12 to 15, formally opening the observance and in-

(Continued on page 6)

Films Escape Sales Tax in Washington

Olympia, July 27.—Motion picture film was exempted by the State tax commission today from Washington's two per cent sales tax.

Exchanges had planned to pass the tax along to theatres if the tax commission held that films were subject to the levy.

Ask Spain to Modify New Imports Rules

American distributors are hopeful of obtaining a modification of the recently announced Spanish import regulations and may seek negotiations with Spanish officials with that as an objective in the near future, it was learned yesterday.

Under the present regulations profitable operations in Spain will not be possible, according to representative viewpoints in home office foreign departments.

Regarded as particularly drastic are the provisions calling for production of one quota picture in Spain for every 10 imported; the complete money embargo and the specification that revenue on any picture made in Spain, regardless of its origin, must be returned to Spain to be impounded.

Home offices received official noti-

(Continued on page 2)

Small Producers Band to Checkmate Bullying by Unions

LOS ANGELES, July 27.—The Hollywood studio labor situation, already marked by inter-union and intramural factional quarrels, today assumed a more muddled hue than ever.

Independent producers, it was learned, plan a determined drive to obtain from labor organizations concessions in wage scales and conditions which prevail at the major studios.

One of the principal reasons for the dearth of independent production, according to producers, is the rise of labor costs.

Independent producers claim that an unfair situation exists in that they are forced by labor organizations to pay the same scales as larger studios.

"We are fed up with the bullying tactics of certain labor officials who have come here from Chicago and other places and have threatened to put us out of business," one producer said. "If necessary we shall go to the district attorney's office."

The Independent Motion Picture Producers Association, dormant for some time, this week met to re-elect I. E. Chadwick president, and name C. C. Burr, vice-president, and Harry Webb, secretary-treasurer. These and Ben Judell, Sam Katzman and A.

(Continued on page 6)

More Trust Suits in Fall, U. S. Promise

Murphy Probes Income Tax Matters, Too

WASHINGTON, July 27.—Additional anti-trust suits against the film industry are being prepared by the Department of Justice and will be initiated in the Fall, it was disclosed today by Attorney General Frank Murphy.

Discussing the anti-trust activities of the Department, Murphy revealed that in addition to the Los Angeles situation, which will be submitted soon to a grand jury there, other investigations are being conducted in other key cities throughout the country. These investigations will form the basis for other prosecutions.

Disclosing that the Treasury Department has referred three cases involving Joseph M. Schenck to the Department of Justice for investigation, Murphy said that several of the principals in the Twentieth-Century-Fox case, which involves Schenck,

(Continued on page 4)

Oklahoma Trust Details Demanded

OKLAHOMA CITY, July 27.—At a hearing today Federal Judge Edgar S. Vaught granted the Griffith Amusement Company and affiliated companies until August 20th to file memorandum briefs on their motions filed last week to make more definite certain charges and asking for a bill of particulars in the government's anti-trust suit against the Griffith circuit which asks dissolution of the chain and its reoganization into small independently controlled situations.

The Government was given fifteen days after August 20th to file its briefs. The defendants were given five days after the fifteen days to file an answer in rebuttal.

Griffith Amusement Company is joined by Consolidated Theatres, Inc.; R. E. Griffith Theatres, Inc.; Westex Theatres, Inc., and L. C. Griffith, H. J. Griffith and R. E. Griffith, all co-defendants in the suit which alleges they have combined to freeze out independent theatres in Oklahoma, Texas and New Mexico.

Judge James Cochran of Ames, Cochran, Monnet, Hayes and Ames represented the defendants.

AGVA Seeks to Unionize Vaudeville Performers

Organization of motion picture stage presentation performers will be one of the first moves to be made by American Guild of Variety Artists, the union which received the charter of American Federation of Actors.

One of the charges against the A.F.A. by Associated Actors and Artistes of America, the parent body, was the alleged A.F.A. failure to unionize such actors.

Despite recurrent efforts to revive vaudeville, stage presentations have declined almost to the vanishing point. RKO, one of the pioneer circuits in vaudeville, today has no houses with stage shows. Loew's and Paramount have two each, and National Theatres have only a few.

Name bands, where employed, have raised grosses considerably, but the restricted number of top-notchers and constantly rising salary demands have minimized the profits.

Harry Brandt, having used name bands in the Flatbush, Brooklyn, for 13 weeks, will resume the policy there when the house reopens in the Fall. Inclusion of the Windsor, Bronx, Audubon, Manhattan, and Carleton, Jamaica, will guarantee four weeks' booking and Brandt is seeking to extend this to 10 weeks by including the Hippodrome, Baltimore; Rialto, Newark; State, Hartford, and others. Similar 10-weeks' booking plan is under consideration by the Minnesota Amusement Co.

Desire for names has also led to some stage shows which use as their principal feature stars of the screen or radio. Since such stars are invariably members of either Screen Actors Guild or American Federation of Radio Artists, both 4-A affiliates, it is believed that A.G.V.A. will have considerable aid in organizing the remaining performers on such shows. Threat of refusal of the headliner to appear is used to aid the unionization process.

Hoping Spain Will Modify Import Rules

(Continued from page 1)

fication of the regulations during the past few days.

Spain Gives Favors To 3 U. S. Studios

BARCELONA, July 27.—Reestablishment of operations of the Spanish film industry are proceeding at a rapid pace and three major American distributors, M-G-M, 20th Century-Fox and Universal, have received permission for limited imports already.

The three companies are the only ones likely to be granted import authorizations this season. All other American companies which have requested permits thus far have been told that the quota for the 1938-'39 season has been filled and that they must wait until September before their applications will be considered.

Reasons for the special treatment accorded 20th Century-Fox, M-G-M and Universal are that the first named company had a crew of newsreel cameramen covering all Nationalist advances during the Civil War and made several Nationalist short subjects, while the other two companies applied for permits from the Nationalist Government two years ago when their request was considered a virtual recognition of that Government.

To show appreciation for the gesture, the Government has authorized M-G-M to import 30 features for the present season and Universal 22. 20th-Fox has been allowed to import five features and is awaiting permission for 25 more.

Britain to Set Up Military Theatres

LONDON, July 27.—Following an approach by the War Office, executives of the Kinematograph Renters' Society and the Cinematograph Exhibitors' Association went to the Whitehall today to discuss the War Office request for setting up militia camp theatres.

It has now been decided to form an advisory committee consisting of C. E. A. and K. R. S. presidents and secretaries, War officials and an Army advisor on film matters.

This committee will explore the question with the ultimate object of ensuring supplies and avoiding interference with legitimate trade. More than 20 military stations are involved.

Plagiarism Trial Set

Trial of the plagiarism suit brought by Select Theatres Corp. against Warner Bros. Pictures, Inc. in the U. S. District Court was set down by Federal Judge John C. Knox yesterday for November 1. Select Theatres claims plagiarism of the work, "The Audition" in the picture, "Ready, Willing and Able."

Kelly on State Tour

E. Thornton Kelly, executive secretary of New York Allied, leaves Sunday on a two-week trip during which he will contact regional offices and members of the state organization. His first stop will be Buffalo.

Purely Personal

J. J. MILSTEIN, eastern representative for Edward Small Productions, plans to leave on the Pan-American *Clipper* tomorrow for Europe. He will visit Paris and London where he will supervise campaigns on "The Man in the Iron Mask." He will remain abroad two weeks.

•

SAM E. MORRIS, Warner vice-president, and PHIL REISMAN, RKO foreign distribution chief, sail today for South America on the *Argentina*. MORRIS will be gone nine weeks, spending three weeks in Brazil and the rest of the time in Rio de Janeiro. Both will conduct conventions in Rio and Buenos Aires for their companies.

•

BETTE DAVIS is coming to New York next week to launch the career of her 14-year-old orphan protege, PAMELA CAVENESS, singer, who will appear on the Raymond Paige program Aug. 4 over the Columbia network.

•

ERROL FLYNN, on three months vacation from the Warner studio, plans an eight-week trip to South America with his father, Prof. THEODORE FLYNN of Belfast. They will debark from New York.

•

CHARLIE PETTIJOHN was combing painters and decorators out of his hair at his M.P.P.D.A. office yesterday and threatens to leave on a vacation if they don't finish up in a hurry.

•

RITA CAVE, publicity and television director for Odeon Theatre Circuit of Great Britain, sails today on the *Mauretania*, after a combined vacation and business trip.

•

M. J. SIEGEL, president of Republic Productions, left last night by train for the Coast after home office conferences.

•

SARAH HADEN, the "Aunt Milly" of the Hardy family series, has been given a new contract by M-G-M.

•

EVELYN LEE JONES has been named publicity representative for Alliance Films by Budd Rogers.

•

BRUCE CABOT is en route to England on the *Manhattan* to work in a Gaumont production.

L. J. (JACK) SCHLAIFER, United Artists western sales manager, returned to the home office yesterday from an extended tour of company exchanges in his territory.

•

VICTOR FRANCEN, French stage and screen actor, leaves New York for the coast today. "The End of a Day," in which he is featured, opens at the Filmarte here, Sept. 11.

•

L. C. GRIFFITH, head of Griffith Amusement Co., Oklahoma City, recently returned from a fishing trip to Minnesota lakes which he made with 15 of his circuit managers.

•

WILLIE KURTZ, manager of the Rialto, returns Monday from a vacation with his family at Lake St., Catherine, Vt.

•

THOMAS MURRAY of Universal left last night for Chicago on the second leg of a tour of inspection of exchanges.

•

CHARLES SKOURAS plans to leave New York for the Coast today but may be delayed a day or two.

Radio Writers In Three Groups

Council of Authors League of America yesterday approved the segregation of membership of Radio Writers Guild into three autonomous groups in New York, Chicago and Los Angeles.

Autonomy will extend to local problems, while national issues will be governed by a board of 30. Membership meeting of the League will be called shortly to approve the new setup.

Radio Libel Suit

Examination before trial of Edwin C. Hill, James M. Seward, CBS assistant secretary, and an officer of American Tobacco Co. will be sought Monday in the N. Y. Supreme Court by Moses Polakoff, attorney, who has brought a libel suit against Hill, CBS and American Tobacco because of a broadcast made by Hill during the "Lucky Strike" hour on Aug. 12, 1937.

Grainger Returns From Dallas Deal

James R. Grainger, Republic president, returned yesterday from Dallas where he closed a new season product deal with the Interstate circuit. Sitting in on the deal were William G. Underwood, franchise owner, with Clair Hilgers, southern division manager, and Lloyd Rust, Dallas branch manager. R. J. O'Donnell, Interstate vice-president and general manager, signed for the circuit.

Grainger flew to Niagara Falls, Ont., yesterday to address the Famous Players Canadian convention on the Republic program. He returns today.

Netter, Goldenson On Detroit Mission

Leon Netter, Paramount home office theatre executive, and Leonard Goldenson of the theatre legal department, went to Detroit yesterday to confer with officials of United Detroit Theatres on current operations. They are expected back at the home office on Monday.

The Detroit circuit is still under the direction of George Trendle, whose resignation will not be effective immediately. Barney Balaban, Paramount president, has not designated a successor to Trendle yet.

Moog Details Asked

Application was filed yesterday by Warner Bros. Pictures, Inc, in the Federal Court for a bill of particulars of suit of Katherine Moog, which seeks $75,000 damages, charging that the picture, "Confessions of a Nazi Spy" libelled her by depicting her as Erika Wolf, a character in the film. Application will be heard on Aug. 1.

Chatterton Play Opens

PROVIDENCE, July 27.—Several film scouts attended the opening of "You Can't Eat Goldfish," new comedy by Gladys Unger and Marcella Burke, at the Matunuck, R. I., Summer Theatre. The play is a domestic comedy of divorce and reconciliation. Ruth Chatterton is starred. A Broadway opening is planned in the fall.

Schine Men to Get Gloved Glad Hand

GLOVERSVILLE, July 27.—Members of a special committee appointed by the Gloversville Chamber of Commerce to welcome the delegates to the Schine Circuit convention opening here Aug. 1 have completed plans for greeting the incoming theatre men. Delegates were appointed to meet every special train coming into Fonda. In addition a large banner has been prepared which will be strung above Gloversville's main street during the four-day meeting.

Small leather gloves will be distributed to the visitors as souvenirs. Window placards and street light decorations have been ordered.

Mayor Chauncey C. Thayer will issue a special proclamation of welcome to be published in local newspapers on opening day.

"We are going to give Gloversville over to the Schine managers and the theatre and motion picture people who gather with them," the mayor said. "The city will be theirs."

Members of the special Chamber of Commerce welcoming committee are Fred Geisler, chairman; H. V. Wessels, Allen E. Havens, Isador Heiman, Wesley Frank and Alfred Batty.

Staff Is Completed By Alliance Films

Personnel of Alliance Films' New York exchange was completed yesterday with the naming of Julius Levine as salesman for Brooklyn and Long Island, Ben Rappaport, New York City, and Sidney Hess, New Jersey and up-state.

Arthur Greenblatt, exchange manager, will serve also as assistant to Budd Rogers, Alliance vice president and general manager, on circuit and first run deals. Alliance recently announced 12 features and a number of novelties and shorts for new season release.

Price on TMAT Stand

Examination of William Price, manager of the Granada, Brooklyn, and supervisor of the Avenue D and Rugby, was concluded yesterday at the hearing before N. Y. State Labor Relations Board. Motion Picture Division of Theatrical Managers, Agents and Treasurers Union is seeking certification of collective bargaining agency in 13 houses in the Rugoff & Becker circuit.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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PREVIEW REPORT

FROM:

~ the United Artists Theatre - in Inglewood

To: Charles Skouras' office, Fox West Coast Theatres.

Picture: STANLEY AND LIVINGSTONE

This can be classed as a living monument to the lives of Stanley and Livingstone. Zanuck reaches the supreme screen achievement in the presentation of this great production, for this is just what it is -- GREAT! Right from the very first minute until the very last, it holds the audience spellbound with its enchanting story.

The beautiful scenery and musical score are worthy of the price of admission alone.

It is needless to say that Spencer Tracy is terrific, and his closing dramatic speech before the Geographical Society of London is of Academy Award caliber. Sir Cedric Hardwicke as Livingstone is marvelous and is an instantaneous hit with the audience. Walter Brennan as Tracy's aide was his usual dependable self. The rest of the cast was all well chosen and did well.

One remarkable thing was noticed by the studio officials and ourselves, and that was the picture wasn't made for what you would call "the young trade," but we had a very mixed audience, and it was enlightening to notice the kids from fourteen to twenty-one years who went out raving about the picture, and their response was greatly felt throughout the picture.

There is no question but that this will be a top-grosser in all situations. The audience reaction was the best of any picture previewed to date in this theatre, and we have previewed quite a few big ones.

Rating: A-plus
Audience reaction: Outstanding
Previewed with: FIVE CAME BACK

James Brixton
Manager

F P Meeting Closes; Film Chiefs Attend

NIAGARA FALLS, Ont., July 27.—The Famous Players Canadian convention, representing the largest gathering of film industry people in Canada's history, closed tonight at the General Brock Hotel with a banquet that attracted more than 300 persons.

Attending the banquet, besides officials and employes of the Famous Players Canadian, was a large contingent of American trade leaders, most of whom arrived from New York early today.

Among those present were John Cohn of Columbia, Herman Wobber of Twentieth Century-Fox, Carl Lesserman of Warners, M. Fox and F. J. McCarthy of Universal, J. R. Grainger of Republic, Monroe Greenthal of United Artists, Arthur Lee of Gaumont British, Jules Levy of RKO, J. J. Unger of Paramount, Barney Balaban, president of Paramount, Austin Keough, A. Montague of Columbia, Walter Hayner of M-G-M.

All of the foregoing film leaders in addition to President N. L. Nathanson of Famous Players, Hon. W. D. Ross, former lieutenant governor of Ontario; Premier Hepburn of Ontario; Chairman O. I. Silverthorne of the Ontario censor board; Col. John A. Cooper, motion picture distributors and heads of Canadian film exchanges occupied prominent places at tonight's banquet.

Other theater circuits were represented by H. I. Long for Associated Theatres; Samuel Fine of B. and F. Theatres; G. N. Ganetakos of United Amusement Corp. of Montreal; Arthur Hirsch of Consolidated, Montreal; V. Larvand, Confederation of Theatres, Montreal; Raymond S. Allen of Premier Theatres in Ontario.

Another outstanding guest was President B. E. Norrish of Associated Screen News, Ltd., of Montreal.

Rain Spoils ITOA's Indian Point Outing

Showers dampened the frolicking spirits of about 400 persons at yesterday's all-day Indian Point outing held by the I.T.O.A. The frolickers traveled aboard the *Alexander Hamilton*.

Because of the rain the sports program, including the I.T.O.A.-Motion Picture Associates baseball game, had to be called off. Prizes scheduled for sports winners were given out by the lot method. David Weinstock was chairman of the outing.

Luncheon and dinner were served on board the boat. There was dancing to the music of Eli Dantzig's orchestra.

Among those present at the outing were Dave Snaper, Joe J. Lee, Harry Buxbaum, Phil Hodes, Joe and Ben Weinstock, Mr. and Mrs. Harry Brandt, Bingo Brandt, Jim Frank, Joe Hornstein, Leon Rosenblatt, Moe Kernan, Saul Straussberg, Herman Weingarten, Harry Thomas, Moe Sanders, Mel Albert, Irving Renner, Adolph Hass, Sam Shain, Lionel Toll, Abe Blumstein, Francine Brunner and Pearl Brunner.

SHORT SUBJECT REVIEWS

"Overland with Kit Carson"

(Columbia)

Here's a chapter play that will keep 'em on the edge of their seats and keep 'em coming back to learn what happens next. It's a sockeroo of serial, if the first chapter is any criterion.

Everything about it seems to be excellent, including plot, production and cast. Bill Elliott plays a cool, always-on-the-spot Kit Carson, renowned Indian scout, who is drafted by the Government to wipe out a gang called the Black Raiders. The Raiders' leader, a mysterious "Peg-leg," is one of the best evil men seen in films.

Plenty of action is promised as the "good whites" unite in combat with the Raiders who have dark designs to capture the vast, rich territory west of the Mississippi. The Indians, making a last stand against the immigrant settlers, are in cahoots with the Blacks. Running time, average 20 mins.

"Saved by the Belle"

(Columbia)

The Three Stooges are traveling salesmen in this one, which is pretty funny in spots. They try selling fur coats in the tropical earthquake belt and get mixed up in a revolution. They are sentenced to die but are saved by a beautiful senorita. They face more perils, but finally make their escape in a truck loaded with dynamite. They are, however, preserved for future Columbia shorts. Running time, 17 mins.

'Hollywood Sweepstakes'

(Columbia)

This is a Color Rhapsody cartoon in color. There's an exciting finish to the screwiest horse race seen this side of Havana. The race is run at Santa Anita, in an ocean of mud. This is an odds-on favorite. Running time, 8 mins.

Screen Snapshots, No. 12

(Columbia)

Columbia has produced a fine Eighteenth Anniversary issue of Screen Snapshots, quite in line with the current trend of harking back to the screen's early days. It will strike a responsive chord in many a heart, as glimpses are seen of Rudolph Valentino, Clara Kimball Young, the Talmadge sisters, the Gishes and others who were famous in days agone. Noah Beery is the narrator, with the setting a party for youngsters of the screen now a-growing up. This should be a "must" for film fans. Running time, 10 mins.

"There Goes Rusty"

(Columbia)

Followers of dog racetracks and just about everyone who loves dogs will think this is swell. Secrets of the training of the racing greyhounds are revealed, from their first canter to the classic dog "Kentucky Derby" at Miami Beach. Running time, 10 mins.

Will Osborne Orchestra

(Warners)

A typical orchestral short subject, with Will Osborne's orchestra giving out hot swing versions of a number of currently popular and novelty tunes. The bandleader provides a number of crooning vocals, as do Lynn Davis, the orchestra's feminine vocalist, and Dick Rogers. Running time, 10 minutes.

"Wise Quack"

(Warners)

In a really cute "Looney Tune," Daffy Duck is depicted as a nervous, expectant father. After much tribulation Mrs. Daffy Duck finally begets a number of ducklings and Porky Pig arrives bearing congratulations. A hawk steals one of the ducklings, and Porky and Daffy effect a hilarious rescue. Running time, seven minutes.

"Seeing Red"

(Warners)

Red Skelton, the radio clown, is fired by an eccentric boss and before departing Red vows he will haunt the boss for his action. In the evening the boss and wife visit a night club where he finds Red wherever he looks. Red is seen as the waiter, check room attendant, master of ceremonies and in other guises. The night club setting provides opportunity for the singing Merry Macs, A. Robins, a clown, and two sets of dancers to perform their specialties. Running time, 20 minutes.

"One Day Stand"

(Warners)

Circus life is described herein. The film traces a typical day in circus life, opening with the circus arriving by train, and the tents being set up by roustabouts. Follows the town parade and the performances showing the aerialists, clowns, acrobats and finally Clyde Beatty in his lion taming act. Running time, 10 minutes.

"Modern Methods"

(Warners)

A series of sequences showing how modern methods of science and invention are utilized. The sequences deal with the bureau which compiles statistics on ocean tides, an instrument by which a housewife performs various tasks by remote control, an artist who makes life-like masks for people who want to be the life of the party, and the final item shows how women's hats are created and manufactured. Running time, 10 minutes.

"Three Minute Fuse"

(Warners)

A Floyd Gibbons "True Adventure" episode, this one deals with an Oklahoma rancher who is building a well with the aid of two neighbors. Hitting rock, they decide to blast, using dynamite which has a rope fuse that burns for three minutes. Lighting the fuse, the rancher signals to his aids to hoist him out of the well, and he is being hoisted up when the rope breaks, depositing him at well bottom in an unconscious condition. The rescue is effected in a novel manner, and just in time. Running time, 11 minutes.

More Trust Suits in Fall, U. S. Promise

(Continued from page 1)

Darryl F. Zanuck, William Goetz and three other persons, have been to Washington for further conferences with the Department. Merger of the two film companies is involved, it was explained.

The principals maintained that there has been no intention of income tax evasion and that the actions now being investigated are legal according to their attorneys.

In another case involving Schenck and William Bioff, I. A. T. S. E. official, Murphy explained, the Treasury Department complained that Bioff had evaded taxes on money allegedly received from Schenck and that Arthur W. Stebbins had aided in hiding the supposed payment.

The third case involves Schenck and Joseph M. Moskowitz, Eastern studio representative for 20th Century-Fox and concerns Schenck's personal taxes, Murphy said.

The last two matters, Murphy added, were discussed this week and the Department still expects to put the Bioff matter before a grand jury.

Schenck, he said, discussed the matter frankly and offered himself for cross-examination by the two Departments. However, the Attorney General said, he was not aware that the film official had made any offer of settlement in cash to the Treasury, adding that no settlement could be made with the Department of Justice's approval.

Murphy said that Schenck denied owing anything in the 20th Century-Fox matter, and denied assisting Bioff in evading taxes.

"This case is somewhat unusual," Murphy commented. "It is interesting and a not altogether clear issue. It is different from most cases."

Details in Folly Suit Sought by Majors

Loew's, Inc., Paramount Pictures, Inc., 20th Century-Fox Film Corp., Universal Pictures, Inc., Republic Pictures Corp., Monogram Distributing Corp., Randforce Amusement Corp., and Big U Film Exchanges, Inc., filed application yesterday in the U. S. District Court to be heard on August 1 for a bill of particulars to the anti-trust suit of Folly Amusement Holding Corp. which names the eight majors and a number of other defendants. Suit charges the defendants with conspiring to force the plaintiff out of business by allegedly preventing it from securing product.

Delay UUDC Hearing

Informal hearing before N. Y. State Labor Relations Board on petition for certification by United Ushers, Doormen and Cashiers Union, C.I.O., as collective bargaining agency in RKO houses in New York City was postponed yesterday until 11 A.M. today.

Astor Sets Film Deal

Astor Pictures will distribute "Vengeance of the Deep," which features Lloyd Hughes and is now being completed in the south Pacific, R. M. Savini, Astor president, said yesterday.

Chicago's Film Row

CHICAGO, July 27.—Thieves broke into the car belonging to Emile Montemurro, cameraman for Fox Movietone News, and stole his camera and four lenses. The loss was estimated at $5,000.

As the camera is registered it is thought the thief will have a hard time disposing of it.

Paramount held a trade showing of "Beau Geste" at the Esquire this week, following which a luncheon was given for Susan Hayward, the feminine lead, who is here for a personal appearance visit. From here Miss Hayward goes to Detroit and other eastern cities. She plans to be in Van Buren, Arkansas, next week for the world premiere of "The Leading Citizen." She is accompanied by Terry De Lepp, studio publicity chief.

Paramount showed the picture to a group of state and city officials in Springfield, Ill., later. Allen Usher and James Donohue of the Chicago exchange attended the screening.

Announcement of the winners in the John Balaban drive held by the B. & K. Theatres during the past 12 weeks, will be made Aug. 1., according to Dave Wallerstein, B. & K. executive. More than $2,500 will be awarded the managers.

Bookings Must Have R. I. Police Approval

PROVIDENCE, July 27.—As a result of public complaints against the showing of "Club des Femmes" at Woonsocket, R. I., recently, exhibitors there will be required to furnish the police commission with a list of their advance bookings, which will be investigated by the commission at weekly meetings.

Picture drew objections on its opening day at the Laurier and a special showing for the police commission and Mayor Felix A. Toupin was arranged. They held that while the film "is not excessively immoral, it is not suitable for children," and established the new regulation.

Seek NLRB Rehearing

HOLLYWOOD, July 27.—Non-certification of the Screen Publicists Guild as the bargaining agency for Selznick-International studio by the N.L.R.B. is a "technical error," William Edwards, S.P.G. president, said yesterday. An immediate rehearing by the N.L.R.B. on the application of the Selznick unit will be asked, he said.

Morros Sets Second

HOLLYWOOD, July 27.—Boris Morros' second picture for RKO release will be "If I Were President." Writers have been assigned to do a story based on an idea of Morros.' Picture will follow "Flying Deuces," with Laurel and Hardy.

Republic Signs Barry

HOLLYWOOD, July 27.—Donald Barry has been signed to a three-year contract by Republic and will be given the lead in "Calling All Marines."

Theatre, Personnel Notes

Lockwood, Rosen Buy in Windsor

WINDSOR, CONN., July 27.—Arthur Lockwood and Sam Rosen have bought the 500-seat Windsor, formerly operated by Nathan Lampert, from the State of Connecticut. It will be renovated.

Lampert will retain an interest in the operation, which will be by The Lampert Theatre of Windsor, Inc., new corporation.

Shulman Building in Windsor

WINDSOR, Conn., July 27.—Construction of a theatre in the center of the town has been started by the Max Shulman interests of Hartford, operators of the Rivoli and Webster theatres.

A-Yachting We Will Go

MILFORD, Conn., July 27.—Jules Livingston, Adolph Haas and Harry Green of Alexander Film Co. will be hosts to the Connecticut MPTO on an all-day yacht cruise from the Milford Yacht Club, next Wednesday. On Thursday a similar excursion has been arranged for members of Allied Theatres of Connecticut.

Opens New So. Carolina House

CHARLOTTE, N. C., July 27.—Dewey McDermon has opened a new theatre at Florence, S. C., and named it the Roxy.

Morganton, N. C., Has New House

CHARLOTTE, July 27.—A new theatre known as the Mimosa has been opened at Morgantown, N. C., by Verne Davis, who also operates the Caro, and the Alva there.

Luker Opens a First Run

CHARLOTTE, July 27.—J. E. Luker has opened a new first run theatre at Union, S. C.

New Negro Theatre Opened

CHARLOTTE, July 27.—A theatre for Negroes has been opened at Florence, S. C., by R. F. Wilson.

Goldberg in New Job

KANSAS CITY, July 27.—Stanley Goldberg has resigned as manager for Metro Premium Company here, and has opened a branch office for Quality Premium Company of Philadelphia. Charley Abrams succeeds him at Metro.

Carolina Attendance Hit by Polio Scare

CHARLOTTE, July 27.—The infantile paralysis situation in the two Carolinas is seriously affecting theatres.

In South Carolina there is a legal ban on child theatre attendance while polio cases are on the increase. This does not pertain to all cities, but to such a large portion of the state, that a Charlotte film executive commented that he "does not see how some of the operators are able to keep on operating" under existing conditions.

In North Carolina, there is no legal ban against children in theatres but health officials and family physicians advise against their attending shows or going to public gatherings.

There has been a noticeable falling off in juvenile patronage in theatres in the Charlotte area where there are several polio cases, and the same condition exists in other large cities and towns.

Manager In New Post

SAN ANTONIO, July 27.—Fred Putnam, manager of the Strand, Peoples and New Pearce at Port Arthur has resigned to manage the Strand, Jennings, La.

Acquires Texas Theatres

OKLAHOMA CITY, July 27.—Consolidated Theatres, Inc., affiliated with the Griffith circuit, recently acquired two theatres in Lubbock, Tex., from Andy Milnar. The two houses were purchased for the Consolidated company by Lindsay Theatres, Inc., of Lubbock.

New Okla. House to Open Soon

STILLWATER, Okla., July 27.—The new State, seating 520 persons, will be opened soon. The house will be managed by Jimmy Zartaludes, city manager for the Griffith Amusement Co. here.

Kansas City Changes

KANSAS CITY, July 27.—Fox Midwest Theatres, Inc., has shifted James Chapman from the Linwood to the Waldo as manager here. Chapman succeeds Louis Sponsler, who, with Jerry Baker of the Granada, Kansas City, are on temporary leaves of absence. Charley Barnes, manager of the Linwood, goes to the Granada. Harry Biederman, formerly Frank Ritter's assistant at the Uptown, goes to the Linwood.

Moorman Manages Cozy

GLADEWATER, Texas, July 27.—East Texas Theatres sends Edwin M. Moorman to manage the Cozy here.

M'Gee to Three Rivers, Texas

THREE RIVERS, Texas, July 27.—T. R. McGee, once manager of the Rialto, Sinton, now manages the Rialto here, replacing Sam Scherwitz, who has been transferred by the Hall Industries to Beeville.

Knight Back to Lincoln

KANSAS CITY, July 27.—W. B. Knight, who has been handling advertising and promotion at the Newman here, has resigned to return to Lincoln, Neb., his home town, where he will manage the Kiva, operated by the Nebraska Theatres Corporation. Knight formerly worked with Cooper and Nebraska in Lincoln.

G. T. E. Quarterly Profit of $182,686

General Theatres Equipment Corp. earned net profit of $182,686 in the quarter ended June 30. This is equivalent to 31 cents a share on 597,247 no-par shares of capital stock. This compares witih $194,920 or 33 cents a share in the June quarter last year. For the six months ended June 30 the corporation reported net profit of $328,230, compared with $315,184 in the first half of 1938.

French Corp. to Get Reorganization O. K.

Federal Judge William Bondy yesterday indicated that he would approve of the plan of reorganization of French Motion Picture Corp. No objection to the plan was raised and Judge Bondy stated that if it complied with the U. S. statute, he would consent to its confirmation.

Newsreel Parade

Events pertinent to the war crisis, Bastille Day in Paris, James A. Farley and John D. Hamilton sailing for Europe and a ski party disaster constitute the major coverage in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 92—Bastille Day anniversary in Paris; President Lebrun holds luncheon at Elysee Palace. Queen Mary visits army camp. Air raid drill in London. Paraders don gas masks in Russia. Count Ciano visits Alcazar fortress in Toledo. Avalanche buries mountain climbers. James A. Farley, John D. Hamilton and John Roosevelt sail for Europe. Tyrone Power and Annabella in Rome. Joe Louis and Gene Tunney referee C. Y. O. bouts. Vacationists enjoy mountain sports. Lew Lehr.

NEWS OF THE DAY, No. 290—Bastille Day celebration in Paris. Political chiefs sail. Leo, Jr., makes debut. King Zog en route to Paris. Climbers lost in avalanche. Huge stone statue baffles art world. U. S. and England in miniature olympics. International boxing matches.

PARAMOUNT NEWS, No. 103—Ski party disaster. Farley and Hamilton sail. Find missing boy. War in Europe 25 years ago and the present crisis. Neutrality situation in U. S.

UNIVERSAL NEWSREEL, No. 792—British and French troops march in Paris. Students missing in Washington mountains. Mars nears Earth. Display painting of Mars in Philadelphia. Republican and Democrat leaders and John Roosevelt sail on same ship. Russians in preparedness parade. New army ship sails for Honolulu. Queen Mary inspects Hussars. Priest blesses autos. Indian baby show. Unveil huge Epstein statue in England. Food show at Fair.

RKO PATHE NEWS, No. 3—Bastille Day. Farley and Hamilton discuss 1940 election. Mars and Earth are nearest in years. Franco and Count Ciano confer in Spain. Pearl farm at Fair. Shooting match in Idaho. Britain beats U. S. in track meet.

'Juarez,' 'Maisie,' Set Oklahoma City Pace

OKLAHOMA CITY, July 27.—Good business done by "Juarez" and "Maisie" helped hold business for the week to the city's average despite temperatures of more than 100 degrees during the period. "Juarez" was $200 over average with $4,400 and "Maisie" was "on the line" at $5,200.

Total first run business was $16,670. Average is $17,900.

Estimated takings for the week ending July 20:

"Maisie" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,200. (Average, $5,200)
"Tell No Tales" (M-G-M)
"The Man Who Dared" (F. N.)
LIBERTY—(1,200) (15c-20c-25c) 4 days. Gross: $1,350. (Average, $1,800)
"It Could Happen To You" (20th-Fox)
"Racketeers On The Range" (Radio)
LIBERTY—(1,200) (15c-20c-25c) 3 days. Gross: $420. (Average, $700)
"Juarez" (W. B.)
MIDWEST—(1,500) (25c-35c-40c) 7 days Gross: $4,400. (Average, $4,200)
"Man About Town" (Para.)
PLAZA—(750), 25c-35c-40c, 7 days, second week, moved from Criterion. Gross: $1,200. (Average, $1,100)
"The Lady And The Mob" (Col.)
"North Of The Yukon" (Col.)
STATE—(1,200) (15c-20c-25c) 7 days. Gross: $2,200. (Average, $2,500)
"Naughty But Nice" (W. B.)
TOWER—(1,000), 25c-35c-40c, 7 days. Gross: $1,900. (Average, $2,500)

Roxy Theatre Dividend

The Board of Directors of Roxy Theatre, Inc., at its meeting yesterday declared a quarterly dividend of 37½c per share on the outstanding Preferred Stock of the Corporation, payable Aug. 24, to stockholders of record at the close of business on Aug. 10.

'Sun' Best in Denver, Gets Big $10,000

DENVER, July 27.—Following a few weeks of better than average business, Denver's theatre grosses declined this week, with only one house above average. The Denver, with "The Sun Never Sets," pulled the biggest gross, $10,000. After four boom days last week with "Andy Hardy Gets Spring Fever" and "Panama Lady," the Orpheum with the same dual this week grossed slightly below normal.

Total first run business was $31,950. Average is $32,750.

Estimated takings for the week ending July 25:

"The Hurricane" (Col.)
"Dead End" (U. A.)
ALADDIN—(1,400) (25c-35c-40c) 7 days. Gross: $3,500. (Average, $3,500)
"Gracie Allen Murder Case" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: $5,200. (Average, $6,500)
"The Sun Never Sets" (Univ.)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: $10,000. (Average, $9,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
"Panama Lady" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days, following four days last week. Gross: $8,000. (Average, $8,500)
"San Francisco" (M-G-M)
"Clouds Over Europe" (Col.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $3,500. (Average, $3,500)
"When Germany Surrendered" (A. L. Rule)
"A Woman Is the Judge" (Col.)
RIALTO—(878) (25c-40c) 7 days. Gross: $1,750. (Average, $1,750)

Tarkington Loses Warner Suit Plea

Federal Judge William Bondy yesterday denied an application of Booth Tarkington to dismiss a $18,750 counter-claim against him raised by Warner Bros. Pictures, Inc. in Tarkington's suit for an injunction, accounting and damages against Warner Bros. At the same time, Judge Bondy directed Warner Bros. to serve a bill of particulars of its answer.

The complaint charges Warner Bros. with appropriating the literary rights to "Penrod" in the film, "Penrod and His Twin Brother," and alleged violation of the Civil Rights law in advertising Tarkington's name in connection with the picture. Counterclaim contends that Tarkington sold the rights to the story which was in the public domain.

'Televisual' Films

Audio Production Inc. has registered the trade name "Televisuals" to describe a new series of merchandising films now being made for television purposes. Arrangements have been made with American Television Corp. whereby Audio will make short films to be televised through a self-contained system operating in several department stores.

Team Davis-Hopkins

HOLLYWOOD, July 27.—Warners will again team Bette Davis and Miriam Hopkins, who appear in "The Old Maid." New vehicle will be "Devotion," a story of the three Bronte sisters which James Hilton is now writing.

Humphrey Bogart will be starred by Warners in "Menace of the Sea," a story of U. S. Coast Guard whaling activities.

New York Review

"Colorado Sunset"

(*Republic*)

Dairy cows, rather than steers, are the center of interest in "Colorado Sunset," a song-studded western. Gene Autry and Smiley Burnette are its stars but the film owes much to June Storey, Barbara Pepper and Larry "Buster" Crabbe for excellent portrayal of supporting roles.

Highlighting the action is a furious riding battle, when a gang attempts to hijack a number of milk wagons and Gene and his boys come to the rescue. Still another feature is an election campaign and rally with all the trimmings when Gene is drafted to run for sheriff.

Gene and his Columbia Broadcasting Texas Rangers are considerably surprised when they learn that Smiley has purchased a dairy farm instead of a cattle ranch for them. They discover, however, that Robert Barret, as a local vet, is trying to coerce the farmers into joining a "protective" association. In this venture he has the aid of Crabbe, a deputy. The method of intimidation used, is to have the gang gather at various spots to wreck farms with instructions given through an innocent sounding code over the radio.

After the sheriff is shot down by Barret, Autry is elected. He enlists the aid of Miss Storey, who does the actual broadcasting, and she alters the code word. After a three-cornered fight, the gang is captured.

William Berke was associate producer and George Sherman directed. The screen play was written by Betty Burbridge and Stanley Roberts from an original by Luci Ward and Jack Natteford.

Running time, 64 minutes. "G." EDWARD GREIF

*"G" denotes general classification.

Date Set for Majors In Philadelphia Case

PHILADELPHIA July 27.—The Landis Theatre (Vineland, N. J.) injunction hearing against Warners and major distributors ended today. Defendants were allowed until August 14 to file counter affidavits and both sides were given until September 1 to file briefs at which time Federal Judge William Kirkpatrick will review the case.

Today's testimony was offered by a steady parade of Philadelphia territory exchange managers, including Robert Lynch, M-G-M; Harry Bodkin, United Artists; Earl Sweigart, Paramount; Harry Weiner, Columbia; George Schwartz, Universal; William Mansell, Warners; Frank McNamee, RKO and Ted Schlanger, Warner zone manager.

The gist of the testimony was on contract relations, which State Senator Harry Shapiro (New Jersey) attempted to establish were in favor of the two Warner chain houses as against the interests of his clients, the Landis Theatre. Accounts of the Landis Theatre, as well as the Globe Theatre, a Warner competitor, were subpoenaed to be studied by legal accountants.

K-A-O Votes Dividend

A dividend of $1.75 per share was declared yesterday by the board of directors of Keith-Albee-Orpheum Corp. on its 7 per cent cumulative convertible preferred. The dividend, which will be paid out of operating surplus, is for the quarter ended Dec. 31, 1936, and is payable on Oct. 2 to holders of record on Sept. 15.

Howson on Program

Albert Howson, Warner executive, will appear in the broadcast Saturday by the Franklin Institute of Philadelphia, commemorating the 13th anniversary of talking pictures.

Independents Fight Bullying by Unions

(*Continued from page* 1)

W. Hackel constitute the executive board.

Although invited to send a representative to Washington to the Department of Commerce investigation of alleged monopoly, the Association refused, but sent a long memorandum instead.

Chadwick and others, when questioned about the memorandum, refused to reveal its contents, but it was learned that complaints were made concerning the reluctance of major-controlled theatres to book independent product.

Independent production at present is at the lowest ebb in years and this year as little as 20 pictures will be made for the state rights market.

In addition to the rising labor costs, other reasons for the slump of independent product are said to be an inability of producers to obtain what they feel is a proper return from the state rights market and lack of circuit dates.

A. F. of L. studio locals yesterday designated a subcommittee to plan a campaign for combating the threatened C. I. O. advances in Hollywood.

Members of the subcommittee are: Jack B. Tenney, president, Musicians Local No. 47; J. W. Gillette, international representative, American Federation of Musicians; Al Speede, business representative, I.B.E.W., Local 40; William B. Castle, business representative, Carpenters Local 946; Nathan Saper, secretary-treasurer, Studio Drivers Local 399, and Herbert Aller, business representative, Photographers Local 659.

Depositions Delayed

CHICAGO, July 27.—Taking of depositions in the suit of Frank Ford against the major companies and B. & K. has been postponed to Aug. 3, according to Lewis Jacobson, attorney for Ford.

Manual Set For Jubilee Observance

(*Continued from page* 1)

viting exhibitors and friends of the industry to participate.

It will also contain a feature story suitable for use in virtually any type of publication of general circulation, suggestions for local observance programs and activities and plans for theatre announcements of new season product bookings in connection with the observance.

The manual was prepared by a committee headed by Kenneth Clark, M.P.P.D.A. publicity representative. Other members are: Lester Thompson of the Advertising Advisory Council; Joel Swensen, M.P.P.D.A. press department; Harry Goldberg, Warners advertising manager; William Ferguson, M-G-M exploitation manager; Ben Grimm, RKO exploitation manager, and Lou Pollock, Universal eastern advertising and publicity manager. Swensen was in charge of compilation of the material.

'Carnival' in Strong Music Hall Opening

"Winter Carnival" opened strong at the Music Hall yesterday with an estimated $12,500 for the day. Waiting lines were in evidence for hours at a time.

United Artists obtained from a Fifth Ave. store 12 models who displayed new Fall college fashions while waiting on the street ticket line.

A group of debs and sub-debs served as judges of the prospective popularity of the fashions later. In the judging group were Mary Mitchell, Doris Rawlins, Lucy Truesdale, Ann Amory, Amanda Cecil, Virginia Lewis, Catherine Campbell, Diana Taylor, Innes Drury, Eileen Herrick, Jean Harrington and Helen Stedman.

At the Strand, "Each Dawn I Die" drew an estimated $53,000 for its first week, equalling the house record since inauguration of the stage show policy. It holds over for at least another two weeks.

"Frontier Marshal" opens at the Roxy today. Fourth week of "Second Fiddle" brought an estimated $30,500 there.

Illinois Governor Vetoes Duals Bill

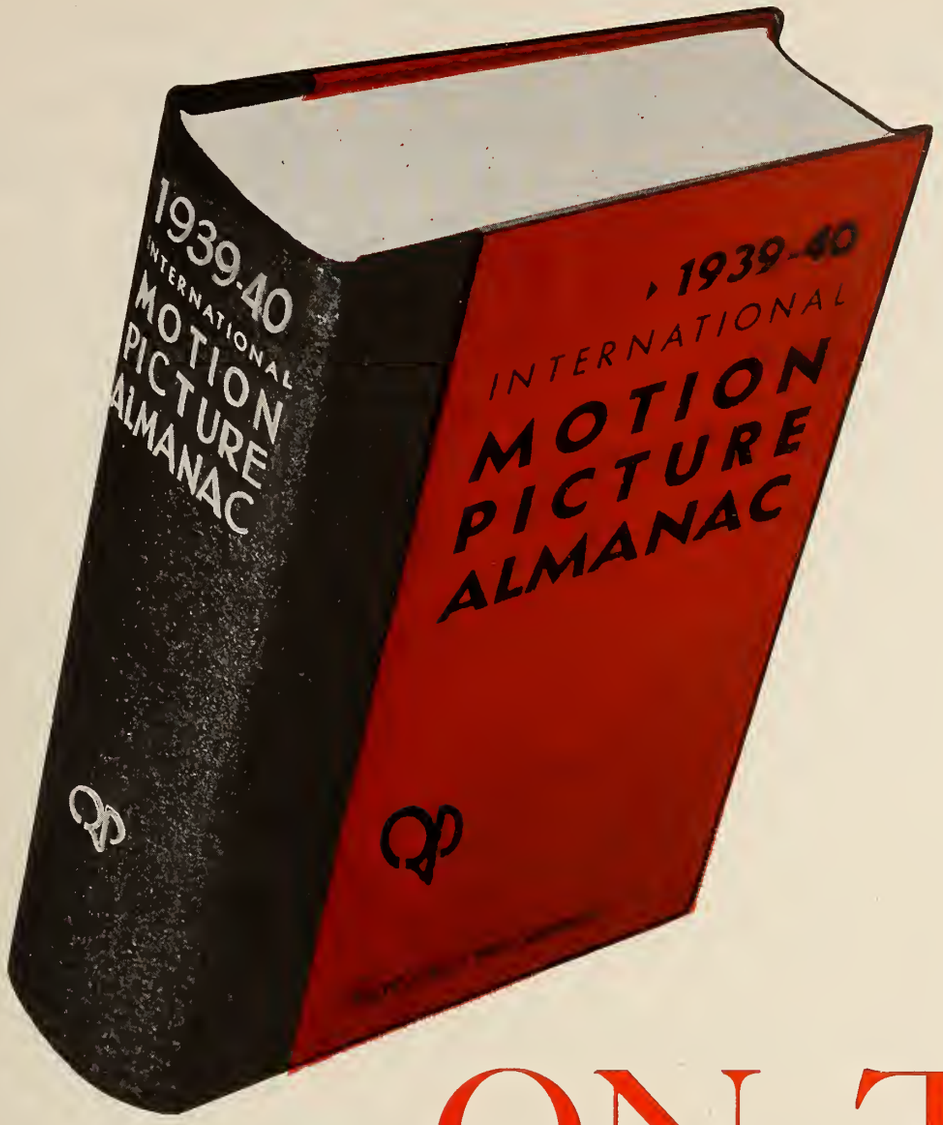
(*Continued from page* 1)

motion picture exhibits lasting more than two hours and 15 minutes.

"Since the Attorney General is of the opinion that this bill is not constitutional, I veto and withhold my approval of it."

This was the first attempt to eliminate double bills by state legislation. Passage of the bill encouraged Minnesota independents to plan similar measures for introduction in city councils. A limitation bill is being prepared in Milwaukee.

Chicago independent exhibitors tonight indicated that they would seek a city ordinance limiting film programs to 135 minutes. This decision followed news of Horner's veto. Independent exhibitors believe that a city ordinance can be formulated so that its constitutionality will not be disputed.



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Fly Chosen As M'Ninch's Successor

WASHINGTON, July 27.—James L. Fly, general counsel of the Tennessee Valley Authority, today was nominated by President Roosevelt as a member of the Federal Communications Commission to succeed Chairman Frank R. McNinch, who is resigning because of ill health.

While not appointed chairman of the F.C.C., it is expected Fly will be voted into the position by his fellow Commissioners.

Like McNinch a "trouble shooter" for the Administration, Fly, one-time secretary to Sen. Pat Harrison of Mississippi, was recently "loaned" by the TVA to the Bonneville Power Administration.

The new commissioner is 41 years of age, a native of Texas, and a graduate of the United States Naval Academy with three years service as a commissioned officer. During the Hoover regime he was, for a time, special assistant to the Attorney General, handling several important anti-trust suits. He has been in the service of the Government since 1934, when he was appointed general solicitor of the TVA, becoming general counsel in 1937.

Pacific CBS Honored

The CBS Pacific Network has won a prize for its merchandising of commercial programs in a recent competition staged by the Pacific Advertising Clubs Association. Highlight of the Association's conference was a contest for outstanding achievement in all branches of advertising. Top honors in the radio classification went to the CBS Pacific Network, together with similar honors for "Network" Programs Originated in the West."

Television Training

LONDON, July 27.—Cine employes union, N.A.T.K.E., in annual conference today, authorized its executive to investigate possibilities of establishing a technical institute providing television training for projectonists. Co-operation will be asked of the Cinematograph Exhibitors Association and circuits.

Col. Healey a Columnist

ALBANY, July 27. — Colonel Jim Healey, Blue Sunoco commentator heard over WGY for the past four years, is now doubling his activities by writing a special column for the *Times-Union*, Hearst morning paper here. Healey was attached to the Times-Union staff before breaking into radio.

Conrad to Indianapolis

CINCINNATI, July 27.—John Conrad until recently program director of WLW here, has been named promotion manager of WIRE, Indianapolis.

New WOR Concert Series

WOR is scheduling a concert series for the Fall with pianist Nadia Reisenberg as pianist, supported by Alfred Wallenstein's concert orchestra.

BANNER RADIO LINES

By JACK BANNER

ANENT BOB CROSBY . . . "Your comment to the effect that the recent audience survey which discloses the Bob Crosby broadcast with a higher rating than the Guy Lombardo, Paul Whiteman, Fred Waring and Hal Kemp broadcasts proves the fallacy of such surveys has been brought to our attention. We agree with you that audience surveys are not infallible and have their limitations. However, we do not believe Bob Crosby's high rating is the result of any such survey deficiency, but merely exemplifies his present preferred position among the dance bands, and presages his future ascent to even greater popularity." The letter was signed by Alman J. Taranto of the William A. Esty agency's radio department.

We have no doubts about Crosby's popularity with the jitterbug dance crowd. But we feel that even with that suppport Crosby, in four or five broadcasts, cannot be termed a more popular air band than say Lombardo and Whiteman, who have been successful on the air for more than a decade.

CBS NEWCOMER . . . Sarah Rollitz joins the CBS artists bureau staff on Monday, heading a newly-organized literary-playwright department. Miss Rollitz has been conducting her own agency for the past few years and was formerly with Pinker & Morrison.

PERSONALS AND NOTES . . . Bill Russell, baritone heard over NBC and Mutual, has been signed by MCA to appear as emcee and singer with Jimmy Durante at the Beverly Hills Country Club, Fort Thomas, Ky. Deal was set by Miles Ingalls. . . . Arlene Francis and Van Heflin get the leads in "Betty and Bob" when the program moves to New York from Chicago on Monday. . . . Lucius Beebe and John Chapman will be the guests on the next "Author, Author" broadcast over Mutual. . . . Bill Corum, *Journal-American* sports columnist, will be Ted Husing's first guest in the latter's new series Tuesday over CBS. . . . Johnny Johnstone, WOR's special events and publicity director, leaves today with Mrs. Johnstone and the children for Canada and a visit to the Dionne quintuplets. . . . Kay Lorraine's contract as vocalist on the Hit Parade has been renewed for one year. . . . Horace Heidt has won the holiday assignment at the Cocoanut Grove and will play there starting Dec. 15. . . . Rosa Rio will demonstrate the new Storytone piano on Magic Key Monday. . . . Erich Don Pam and NBC are huddling on a sustaining script titled "Mr. X" which will be presented as a half hour once weekly show.

O'KEEFE'S WRITERS . . Walter O'Keefe's script writers, when he starts his new Tuesday night series in the fall over CBS, will be Hugh Wedlock, Jr., and Howard Snyder. Ev Mead will be the producer of the series.

TITLE CHANGE . . . Sponsors of the script, "Second Fiddle," which is replacing "Houseboat Hanna," have changed the title to "The Trouble With Marriage," because of fear of running into trouble with 20th-Century Fox, which produced the picture of that title with Tyrone Power.

NBC PROMOTES . . . Worthington C. Lent has been transferred to the development and research division of the stations department with the title of assistant director of development and research. He will continue to make his headquarters in Washington.

"TINY" RUFFNER OUT . . . "Tiny" Ruffner, who left Benton & Bowles a number of years ago to produce in Hollywood for Ruthrauff & Ryan, is out as producer there. Some of Ruffner's intimates state he'll free lance, others that he may rejoin Benton & Bowles. Take your pick.

Joy Co-Owner Sued

SAN ANTONIO, July 27.—Dr. D. F. Palmer has filed a $35,000 breach of contract suit in the U. S. District Court here against Tol Teeters, operator of the Joy. Dr. Palmer alleges that Teeters agreed to finance a "Torture Show" and pay the plaintiff a salary and 50 per cent of the profits. Teeters is co-owner of the Joy Amusement Co. of Houston which is suing Interstate Circuit, Horwitz-Texan Theatres, Republic and major companies for $17,366 damages for alleged violation of the Sherman anti-trust act.

Joseph Weber Returns

Joseph N. Weber, president of the American Federation of Musicians, returned to New York yesterday from Kansas City where he has been convalescing for the past month since being stricken during the A. F. of M. convention there in June.

UA New Zealand Deal

Arthur W. Kelly, vice-president of United Artists in charge of foreign distribution, has completed a circuit deal for exhibition in New Zealand of the company's new releases. The deal was made here with Michael Moodabe, managing director and joint owner of Amalgamated Theatres of Auckland, N. Z., during his recent New York visit. New U. A. product will play in all of the circuit's 80 houses.

Para. Title Changes

Titles for two films now in production on the coast have been changed by Paramount. "Are Husbands Necessary?" with Madeleine Carroll and Fred MacMurray has been changed to "My Love for You." "Television Spy" is the new title for the former "The World on Parade."

Vallee to End 10-Year Radio Show Sept. 28

After 10 years of broadcasting for the one sponsor, Rudy Vallee will leave the Standard Brands Hour with the broadcast of Sept. 28, ending radio's longest association of speaker and performer.

Vallee started on the air for Standard Brands on Oct. 24, 1929, and except for two occasions, once because of a family death and again while enroute to England, he has appeared without interruption each Thursday night over the one network and at the same hour —the NBC-Red—from 8 to 9 P. M.

The 10-year association between Vallee and his sponsor made him radio's first millionaire.

No official explanation is forthcoming from either party outside of a statement that Vallee and Standard Brands management feel that a change might "prove beneficial to both."

Standard Brands will not relinquish its Thursday evening time on the network, and will place a new program on the air in Vallee's stead the week following his leavetaking.

Practically from the beginning, Vallee's hour has served as a standard entrance to radio. The program is generally credited with starting in radio such personages as Eddie Cantor, Burns & Allen, Joe Penner, Bob Burns, Edgar Guest and Charlie McCarthy.

Named in Libel Suit

Knickerbocker Broadcasting Co., operator of WMCA, yesterday succeeded in bringing in as defendants in the $550,000 libel suit brought against it by Metropolitan Life Insurance Co., the broadcasters, Morris H. and Samuel M. Siegal and Donald Besdine. The motion was granted without opposition by N. Y. Supreme Court Justice Felix B. Benvenga, on the ground that the broadcasters had signed contracts undertaking to hold the station harmless from any suits brought because of broadcasts.

Fla. Station on Block

TALLAHASSE, Fla., July 27.—The State Board of Control will receive bids at Gainesville for private lease operation of State-owned radio station WRUF. Lease, or abandonment of the station, was made necessary when Governor Cone vetoed an appropriation the legislature made for it. The station operated this month on money it had on hand.

News Room Broadcasts

In cooperation with the New York *Herald-Tribune*, WQXR exclusively will present a daily news broadcast beginning August 1. A direct wire to the city room of the *Herald-Tribune* will be employed, and the news script will be written and delivered by a member of the newspaper's staff, using regular *Herald-Tribune* news sources.

KARK Boosts Coverage

LITTLE ROCK, Ark., July 27. — KARK, operating until recently on 1,000 watts day and 500 watts night, is now using 1 kilowatt full time. Field tests disclose the station has added greatly to its coverage area.

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MGM Upheld In Plagiarism Suit Reversal

Novelists Entitled to Only 1/5 of Profits, Ruling

U. S. Circuit Court of Appeals on Friday reversed a lower court decision which awarded Edward Sheldon and Margaret Ayer Barnes a $532,000 judgment against Loew's and M-G-M for plagiarism of the novel, "Dishonored Lady," in the film, "Letty Lynton."

The higher court held that the authors were entitled to only about one-fifth of the profits from the film instead of the entire profits awarded by U. S. District Court Judge Vincent T. Leibell.

The Circuit court returned the case to the lower court for a new hearing, revised computations of profits and apportionment of such profits among all principal factors concerned with production of the film.

These should include, the court held in a 22-page opinion written by Judge Learned Hand, the drawing power of the actors (Joan Crawford and Robert Montgomery), the value

(*Continued on page 3*)

U. S. Film Men Fete Jean Zay In Paris

By PIERRE AUTRE

PARIS, July 30.—American film industry on Friday gave an official luncheon to Jean Zay, French Minister of National Education and Fine Arts and also president of the Cannes International Film Festival which will be held Sept. 1 to 20.

The luncheon was organized by Harold Smith, Continental European representative for the M. P. P. D. A., to signalize the American industry's assurance of cooperation in the Film Festival.

Many officials and American film representatives attended. Among them were Philippe Erlanger, director of the Action Artistique Francaise; A. L. Etranger, who is organizing the Film Festival; Tony Ricou, general secretary of the Festival, and Government representatives.

Martin Quigley, president of Quigley Publications, who is visiting in Europe, was a guest. Others were Daniel Reagan, American commercial attache; Ernest Meyer, third secretary of the American Embassy,

(*Continued on page 4*)

300 from 5 States Rally for Meeting By Schine Circuit

GLOVERSVILLE, July 30.—The vanguard of 300 managers, associates and industry executives will arrive here Monday for the annual convention of the Schine Circuit, which will get underway tomorrow.

From five states and 165 theatres, exhibitors will come to this "home town" of the Schine brothers, Louis W. and J. Myer. They will be greeted officially by the Chamber of Commerce and welcoming committees.

General Chairman Harold F. Sliter will open the business meeting Tuesday at 10 A.M. in the Gloversville Community Center, with a roll call of all managers. J. Myer Schine, president of the circuit, then will introduce Mayor Chauncey C. Thayer, who will speak briefly, after which Schine will deliver the opening address.

Plan Golden Jubilee Programs

Gene Curtis, head of the Schine publicity and advertising department, will announce Schine's golden jubilee celebration, a campaign which is to be launched in the early fall.

Recent contest winners will be announced and a new managers' contest detailed, after which a booking and buying discussion will be held with Film Buyer George V. Lynch and Head Booker Lou Goldstein presiding.

The afternoon session is slated to start with Major Louis Lazar, Ohio and Kentucky zone manager, addressing the meeting. Other speakers will be: William Tubbert, Clint Young, Doug Leishman, Jim Levine, Frank Boucher, Bud Silverman, Marsh Gollner, Jerry Fowler, Lew Hensler, Bill

(*Continued on page 4*)

Para. London Deal To Sell Theatres

London, July 30.—Stanton Griffis, chairman of Paramount's executive committee, who is in London, disclosed that Paramount is discussing a deal to dispose of all its theatres here outside of the West End, with only the Plaza probably being retained.

Paramount has 15 theatres here, valued at $14,000,000. Griffis is reported to be discussing a deal whereby Paramount films will play the Odeon circuit.

Midtown Theatres To Restore Games

One month trial of games elimination in film houses in the midtown area of Manhattan will be abandoned Aug. 7. Theatre operators agreed that the failure of N. Y. City License Commissioner Paul Moss to force similar abandonment of games in other places of public assembly in the area placed film houses in a unfavorable competitive position.

Games were eliminated on July 3 from West Side theatres between 34th St. and 72nd St. and between 34th St. and 59th St. on the East Side. It was intended to use this area as a trial ground, and, if successful, the experiment was to have been extended to other parts of New York City.

On July 19, Century Circuit announced resumption of games after a three-week test during which they

(*Continued on page 3*)

IATSE Faces Crucial Test on CIO Issue

Demands Early Signing Of Studio Contracts

HOLLYWOOD, July 30.—A titanic battle for studio production crafts loomed on Hollywood's horizon over the weekend. It might develop into a crucial test of I.A.T.S.E. power.

John Gatelee, international representative of the Alliance, after a night telephone conversation with George E. Browne, International president, demanded an early signing by producers of contracts calling for closed shop, improved working conditions and wage increases for its claimed crafts, including first cameramen for whom the American Society of Cinematographers recently signed a five-year contract.

It is Browne's intention to take over first cameramen, lost to the Alliance during the 1933 strike when ASC obtained closed shop agreement for them to supplant the pact abrogated by I.A.T.S.E.

Gatelee has told Pat Casey, producers' labor contact man, that he expected an early answer to Alliance demands. Casey said yesterday that

(*Continued on page 3*)

FCC Needs Drastic Revisions - McNinch

WASHINGTON, July 30.—Maximum efficiency in the public interest can be reached by the Federal Communications Commission only through revision of the Communications Act and reorganization of the FCC, President Roosevelt was told this week by Chairman Frank R. McNinch in the latter's letter of resignation.

Correspondence made public at the White House over the week-end disclosed that the retiring chairman was willing to serve through August, if necessary, and President Roosevelt asked that he do so.

In undertaking to improve conditions in the Commission when appointed as chairman October 1, 1937, McNinch wrote: "I found it so fraught with problems and difficulties and the commission so disunited that not until now have I felt justified in respectfully requesting you to release me from further service.

"The procedure for handling the work of the commission has been radically reorganized and certain personnel changes effected, all of which

(*Continued on page 3*)

Capitol Closes UA Deal For Korda's '4 Feathers'

United Artists and Loew's have negotiated a deal for the Broadway showing of Alexander Korda's film, "Four Feathers," at the Capitol, presaging a possible future change in the selling and booking of all U.A. product here, and which hithertofore played at the Radio City Music Hall.

"Four Feathers" opens Friday at the Loew showcase for an indefinite run, at terms which are stated to be biggest yet paid by Loew's for any Capitol theatre picture. A big advance campaign by Loew's and U.A. is planned to herald the premiere.

This U.A.-Loew transaction is unusual for several reasons. One of these is the fact that "Four Feathers" is the first U.A. picture to play at the Capitol, principal Loew house.

The deal was transacted by Harry Gold, vice-president in charge of eastern sales of United Artists, and Joseph Vogel, executive theatre operator of Loew's.

In purchasing "Four Feathers," the Loew people have cleared the Capitol theatre's calendar of all waiting product, in order that the Korda picture might have the fullest possible run.

Additionally, the Korda picture will follow from the Capitol into all Loew metropolitan neighborhood theatres.

Code Protest By Fox West Delays Pact

Current delay in offering the trade practice code to the industry has been occasioned by refusal of Fox West Coast to consent to new provisions for selection of panels of arbitrators, under which affiliated theatres are not given separate representation on arbitration boards when cases involving the distributor with which they are affiliated are before the boards, it was learned over the weekend.

While the code, to all intents and purposes is complete now, it has been withheld from the industry pending the consultations with West Coast officials which have been in progress for the past two weeks.

Indications are that an agreement will be reached or that the code will be made public, regardless of West Coast acceptance, within a very short time.

The West Coast position is that it is not a part of the 20th Century-Fox producing or distributing organizations, but is a separate operating unit independent of the company which owns a minority interest in National Theatres, its parent. Thus, West Coast officials contend, the circuit is entitled to separate representation on arbitration boards even when 20th-Fox is involved in an arbitration case with it, which would give the distributor its own representation on the board. West Coast claims that it is entitled to the same representation on boards as an independent theatre.

No objections have been made by other national circuits to representation only through their affiliated company.

Joseph Mankiewicz Weds Film Actress

Joseph Mankiewicz, M-G-M producer, and Rose Stradner, actress, were married Friday at the home of the bridegroom's sister, Mrs. Erma Stenbuck, 49 E. 96th St. The civil ceremony was performed by Judge Samuel Ecker.

Miss Stradner, who is Viennese by birth, came to this country under contract to M-G-M, after beginning her theatrical and motion picture career abroad.

A graduate of Columbia University and a former metropolitan newspaper correspondent, Mankiewicz has for the past five years been active as a motion picture producer. His brother, Herman Mankiewicz, is a playwright and scenario writer.

Baranco Acquires 3 Bronx Theatres

M. Baranco, former district manager for Skouras and Warner Theatres, operator of a theatre in Denver, and more recently, operator of the Roxy in Atlanta, has acquired three houses in the Bronx from Moe Rosenberg, decreasing the latter's holdings to one house in New Jersey, the Franklin. The theatres, Congress, Vogue and Metro, aggregate about 4,700 seats. The transaction becomes effective tomorrow.

Purely Personal

GEORGE J. SCHAEFER, RKO president, and NED E. DEPINET, distribution chief, left New York for the coast by train over the weekend. They will be away several weeks.

•

SUSAN HAYWARD arrives in New York today for her first vacation in her home town in two years. She will remain until Aug. 6 when she flies to Van Buren, Ark., for premiere of BOB BURNS' "Our Leading Citizen." She also appears in the film.

•

VYVYAN DONNER, fashion editor of Movietone News, arrives today on the *Normandie*. Other arrivals include GARSON KANIN, RKO director; F. WACHSBERGER, French film producer, MRS. MORTON DOWNEY, ARTHUR TRACY and SAM LEVENE, actor.

•

R. STALLINGS of Lenoir, N. C., was a visitor at the Paramount exhibitor lounge last week. Other visitors included R. A. MONN, Landeville, O.; CECIL CUPP, Arkadelphia, Ark.; SAM HOROWITZ, Des Moines, and LEE BALSLEY, Cresson, Pa.

•

CHARLES C. PETTIJOHN, M. P. P. D. A. general counsel, sailed for Italy Friday on the *Saturnia* after painters and decorators refused to evacuate his office. He is accompanied by MRS. PETTIJOHN and will be away about a month.

•

MARGE HENDRIKSON, who was secretary to STANTON GRIFFIS, left New York for Hollywood Friday to re-establish her residence there. She was employed at the Paramount studio originally.

•

ELEANOR LOWENTHAL of Monogram's New York exchange left Friday for a vacation. JACK COHEN of that office is also vacationing, due back next Monday.

•

A. H. BLANK and RAYMOND BLANK, who have been visiting in New York for the past two weeks, returned to Des Moines over the weekend.

•

GENE MURPHY of Loew's screened "Miracles for Sale" for CLAYTON RAWSON, author of "Death From a Top Hat," from which the film was adapted.

•

MIKE CULLEN, Loew district manager with headquarters in Columbus, has been in New York for conferences with J. R. VOGEL, circuit head.

•

JOSEPH M. SCHENCK, chairman of the board of 20th Century-Fox, left for the coast over the weekend after an extended stay in the east.

•

DR. VLADIMIR ZWORKIN, R.C.A. television expert, was a passenger on the *Saturnia* which sailed from New York for Italy on Friday.

•

DORITA NORBY, Argentine singer and delegate to the World's Fair, sailed for Rio de Janeiro Friday on the *Argentina*.

•

H. M. ROUDA of the Roseland Theatre, Chicago, visited *Motion Picture Herald's* Round Table offices Friday.

•

EDDIE DOWDEN, Loew publicity chief in Brooklyn, is vacationing.

CHARLES E. McCARTHY, 20th Century-Fox director of advertising and publicity, and LOUIS SHANFIELD, art director, fly to the coast tonight to line up campaigns on new product.

•

ROBERT GILLHAM, Paramount advertising and publicity director, will leave for the midwest tomorrow to assist with "Beau Geste" openings in Chicago, Milwaukee, Minneapolis, St. Louis and elsewhere.

•

J. H. HOFFBERG will leave Aug. 8 for the coast and will visit all key cities on his return trip east to discuss first run deals and distributional tieups for product being handled by him.

•

ROGER HUNDLEY has been added to the company at the Starlight Theatre, Pawling, for "Room Service" next week, directed by STUART FOX, who is substituting for MARYVERNE JONES.

•

MRS. AGNES FOWLER and JANE FOWLER, wife and daughter of GENE FOWLER, scenario writer and playwright, sailed on the *Champlain* Saturday.

•

E. THORNTON KELLY, executive secretary of New York Allied, was in Philadelphia late last week. He has deferred an upstate trip.

•

EDDY LA RUE, manager of the Star, Hudson, New York, is recuperating in the Hudson Hospital following a minor knee operation.

•

MRS. AGNES FOWLER and JANE FOWLER, wife and daughter of GENE FOWLER, sailed Saturday on the *Champlain*.

•

MORT BLUMENSTOCK, eastern advertising and publicity director for Warners, returns today from a trip to the coast.

•

GEORGE WEST returns on the *Normandie* today after a trip to London and Paris.

•

HOMER H. HARMAN, advertising and publicity director of the Roxy, has returned from a three weeks' vacation.

•

THE PETERS SISTERS, musical comedy team, after 14 months abroad, return today on the *Normandie*.

•

EDWARD L. REED, manager of the Strand, Providence, is at Block Island, R. I., for two weeks of sword-fishing.

•

ROSE SCHMIDT, office manager of RKO division headquarters in Cincinnati, is vacationing in the west.

•

ARTHUR GOLDSTEIN of the Avon, Providence, is at Camp Devens, Mass., for an annual training.

•

ELISSA LANDI opens in "Tovarich" at the Matunuck, R. I., summer playhouse tonight.

•

JACK ELLIS, RKO salesman, returns to his desk today after a brief vacation.

•

BARRET KIESLING, M-G-M traveling publicist, was in Cincinnati last week.

Majors, U. S. Fail to Settle Date of Trial

Conference of major company attorneys and representatives of the U. S. Attorney General's staff on Friday failed to agree on a date for the start of trial of the Government anti-trust suit against the industry. No further conferences between the two sides on the subject are scheduled.

Hearing on the Government's motion for a preference on the Federal court trial calendar for the suit is scheduled for tomorrow before Judge John C. Knox but is expected to be put over until Thursday. The Government is asking for Nov. 1 as a date for start of the trial.

Defense attorneys will oppose the Government's motion and, if called upon by the court to do so, may suggest some date in the Spring as being agreeable for the start of the trial. A compromise to a mid-Winter date is indicated .

Judge Knox suggested the conference when the Government's motion came before him for the first time last week, believing that the two sides might agree on a trial date without the necessity of a court hearing.

LeRoy Back Again In Director's Role

Mervyn LeRoy has obtained the consent of Louis B. Mayer to be relieved of his responsibilities as an executive producer and return to directing. LeRoy will begin immediate preparations for "Ziegfeld Girl." Other productions which LeRoy will subsequently direct include "Sea of Grass," with Spencer Tracy and Myrna Loy co-starred, and "National Velvet."

'Carnival' Strongest Draw on Broadway

"Winter Carnival" proved too be the strongest draw on Broadway in its first two days at the Music Hall with lines crowding the lobbies during all hours of the day. Gross take for Thursday and Friday was an estimated $28,000.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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IATSE Faces Crucial Test On CIO Issue

(Continued from page 1)

meetings of producers will be held this week on the matter.

It became known over the weekend, however, that ASC would not relinquish its jurisdiction over the first cameramen. An independent group which has no labor affiliation is expected to take some action during the week.

Meanwhile the IATSE is being attacked on another side as the CIO-financed United Studio Technicians Guild sought to force Paramount's "Typhoon" company, going on location to Catalina Island, to employ half of IATSE and half of USTG members.

A showdown on the demand is expected quickly as USTG sought aid from the CIO longshoremen's union. If the longshoremen support the USTG claim, the harbor and waterfront would be tied up and transportation to the island would be denied the film company.

Members of IATSE Photographers Local 659 met and voted full support of Gatelee's action and favored the pressing of demands for jurisdiction over cinematographers in the major studios.

Erpi Chooses Shea As Knox Successor

T. E. Shea is a new vice-president of Erpi, elected at a special meeting Friday and succeeding H. G. Knox, who resigned July 15 on advice of his physician. Shea will assume the vice-presidency Aug. 7, and will head Erpi's engineering functions.

Drawn to Erpi from the Bell Telephone Laboratories, Shea is widely known in engineering circles. He is a fellow of the Acoustical Society, a fellow and past president of the Society of Motion Picture Engineers and is the author of numerous books and papers on various aspects of sound picture engineering.

Ray Johnston Returns

W. Ray Johnston, Monogram president, arrives in New York today on the *Normandie* following a two months European business trip. While abroad Johnston conferred with officials of Pathe Pictures, Ltd., in London on production plans and budgets for Monogram's 10 top features. Pathe will distribute 32 Monogram features in foreign territories during the new season.

How Sound Developed

How sound pictures were developed and their growth since the early days was described by Albert Howson, Warners chief of censorship, at the Franklin Institute, Philadelphia, Saturday night. Representatives of various organizations attended. The talk was broadcast over WCAU.

Beryl Mercer Dies

HOLLYWOOD, July 30.—Beryl Mercer, 57, veteran actress, died Friday. She had undergone a major operation a month ago. She came to the American stage from London. She appeared in innumerable American films.

San Antonio Notes

SAN ANTONIO, Texas, July 30.—At a meeting of stockholders, R. Early Wilson, formerly vice-president of the Alama Broadcasting Co., was elected president. Wilson remains the principal stockholder, replacing H. L. Taylor as president.

Mrs. Elliot Roosevelt bought H. L. Taylor's stock. Other new stockholders are Elliot Roosevelt, general manager of TSM; Harry Hutchinson, vice-president of TSN; Charles F. Roeser and Sid Richardson, composing the members of the Alamo Broadcasting Co.

Joy Hodges flew here by plane after a personal appearance for Universal in Wichita, Kan., and is visiting Mrs. Amy Lee, San Antonio.

Jack Chalman, advertising manager for Interstate, San Antonio, and J. T. Floore, manager of the Texas, Interstate, travel to Mexico City, then to New York's World Fair.

Coleman Neely, cameraman, is going to Atlanta to cover a feature for Paramount Pictorial.

Exhibitors Form New Pa. U.M.P.T.O. Unit

HARRISBURG, July 30.—Exhibitors in the area between Pottsville and this city have formed a new organization known as the Lykens Valley Group and will be affiliated with the U. M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware. Organizing meeting was held at Tremont last week with Lewen Pizor, president of the parent organization, attending. Pizor was named chairman of the new regional group.

Manager Is Fined for Holding Prize Game

CINCINNATI, July 30. — William Dodds, manager of the Imperial, neighborhood unit of Associated Theatres, was found guilty by a jury in Municipal Court, and fined $50 for operating the equivalent of Bank Night, which was conducted under title of "Question Night." His wife and the cashier are to be tried on similar charges, although trial date has not been set.

Dodds was arrested and fined on a Bank Night charge last Feb. 18.

FCC Needs Drastic Changes—McNinch; Calls It 'Disunited'

(Continued from page 1)

have contributed toward a marked improvement in the efficiency of the commission," he reported, "but, in my judgment, it is not possible to reach the maximum of efficiency in the public interest with the present personnel and within the inadequate framework of the Communications Act." It is expected that upon leaving the FCC to resume the practice of law, McNinch will be added to the government's legal staff on a retainer basis as special counsel for service in cases requiring a knowledge of power, radio or other subjects in which he has specialized. Under such an arrangement, he could probably equal his salary as FCC commissioner.

Two RCA Dividends Voted by Directors

The Radio Corporation of America quarterly dividend on the outstanding shares of the Corporation's $3.50 cumulative convertible first preferred stock, and a quarterly dividend on the outstanding shares of "B" preferred stock, were declared by the directors Friday. The dividend on the first preferred stock is 87½c per share, and the dividend on the "B" preferred stock is $1.25 per share. These dividends are for the period from July 1, 1939, to September 30, 1939, and will be paid on September 30.

Plagiarism Ruling Victory for Metro

(Continued from page 1)

of the producers' contributions, the services of technicians and others, as well as the authors.

The opinion held that it was unjust to award the entire profits of the film to the authors and that if they were to receive one-fifth of the profits they would be favored in "every reasonable chance of error." The method used in computing the profits on the film was upheld in the main. The $55,000 fee awarded O'Brien, Driscoll & Raftery, the authors' attorneys, was reduced by the court to $33,000.

Heat Cripples Seattle Yield, 1939's Worst

SEATTLE, July 30.—That rare thing in the Pacific Northwest—a heat wave—steamed up everything in town except the box offices. Business for the week was the poorest of the year as a result of the extreme weather conditions. In addition, an outdoor carnival and a rodeo helped divide what little business there was.

Despite the local depression, "Andy Hardy Gets Spring Fever" and "Chasing Danger" were $1,200 above average at the Paramount, and a stage band teamed with "Mickey the Kid" gave the Palomar $6,200, also $1,200 over average. All other houses were far below average.

Total first run business was $33,000. Average is $38,000.

Estimated takings for the week ending July 28:

"Five Came Back" (RKO)
"Some Like It Hot" (Para.)
BLUE MOUSE—(950) (25c-30c-40c-55c) 7 days, 2nd week, extended run from Orpheum. Gross: $2,900. (Average, $4,000)
"Second Fiddle" (20th-Fox)
"It Could Happen to You" (20th-Fox)
FIFTH AVENUE—(2,500) (25c-30c-40c-55c) 7 days, 2nd week. Gross: $6,100. (Average, $7,000)
"Blind Alley" (Col.)
"Romance of the Redwoods" (Col.)
LIBERTY—(1,800) (25c-30c-40c-55c) 7 days. Gross: $3,500. (Average, $5,000)
"Goodbye Mr. Chips" (M-G-M)
MUSIC BOX—(950) (25c-30c-40c-55c) 7 days, 4th week. Gross: $3,900. (Average, $5,000)
"Career" (RKO)
"Ex-Champ" (Univ.)
ORPHEUM—(2,450) (25c-30c-40c) 5 days. Gross: $3,200. (Average, $6,000)
"Mickey the Kid" (Rep.)
PALOMAR—(1,500) (25c-30c-40c) 7 days. Skinny Ennis & Band on stage. Gross: $6,200. (Average, $5,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
"Chasing Danger" (Univ.)
PARAMOUNT—(3,050) (25c-30c-40c) 7 days. Gross: $7,200. (Average, $6,000)

Midtown Theatres To Restore Games

(Continued from page 1)

were dropped from all Century houses in Brooklyn and Queens.

Commissioner Moss stated yesterday that he had hoped the experiment would encourage other theatres in the city to drop games but that the failure would not change his non-intervention policy. He will continue to "keep hands off" until an appellate court decides the Atlantic case and will act in accordance with the court's ruling, he declared.

Aug. 7 date for resumption of games was agreed upon in order to permit all houses to re-install games on the same day.

It's Mayor Rex Barrett

COLUMBIA, Mo., July 30.—Rex Barrett, city manager here for Commonwealth Amusement Corp., has been elected mayor in a special election to fill the mayoralty post left vacant by the resignation of G. B. Sapp. Barrett served one term as mayor a year ago.

Ruth Gordon Signed

HOLLYWOOD, July 30.—RKO Friday signed Ruth Gordon, stage star, for the role of Mary Todd in "Abe Lincoln in Illinois," Gordon Goetz production.

Bill Would Make Officers Liable in Anti-Trust Cases

WASHINGTON, July 30.—Senator Joseph O'Mahoney of Wyoming, Temporary National Economic Committee chairman, Friday urged the Senate Judiciary Committee to make a favorable report on his bill to make corporation officers and directors financially responsible for anti-trust violations by their companies as a means of eliminating monopoly in industry.

Appearing before the committee during hearings on the measure, O'Mahoney explained the purpose of his bill, which provides that officers and directors involved in anti-trust violations may be penalized twice the amount of their compensation from the company during every month in which a violation occurred and subjecting the corporation itself to a penalty of twice the amount of its net income for each month in which there was a violation.

Penalties of the present anti-trust statutes are inadequate, he told the committee, pointing out that the criminal penalties are rarely imposed and the fines assessed by the courts are rarely sufficiently heavy to be a deterrent to monopolies.

Zay Honored By U. S. Film Men in Paris

(Continued from page 1)
and Joseph A. McConville, manager of foreign distribution for Columbia.

Present also were all American companies' representatives in France, including Arthur Field and Allan Byre, M-G-M; Ernest Koenig, Universal; Henry Klarsfeld, Paramount; Alex Stein, Columbia; Al Saltiel and J. Goldberg, Warners; Georges Rouvier, United Artists.

Smith told the gathering that the American industry would cooperate fully in the International Festival, expressed hope for its success and said the American companies would send their best films. Zay thanked the representatives for their cooperation.

England, Japan, Belgium, Poland and Sweden have also accepted participation in the Festival.

Later in the day, Martin Quigley attended a Columbia press party for Cary Grant and was introduced to members of the French press.

150 Film Men Enter New Haven Tourney

NEW HAVEN, Conn., July 30.—The fourth annual film golf tournament will lure 150 Connecticut and out-of-state film men and their friends to Racebrook Country Club, Tuesday, the Connecticut MPTO committee headed by Irving C. Jacocks, president, reports. Assisting Jacocks on the committee are Ed Levy, Ed Raffile, Leo Bonoff, Lou Anger, Harold Eskin, B. E. Hoffman, Adolph G. Johnson, Arthur Lockwood, Sam Rosen, Harry Shaw and Max Tabackman.

Baseball, Opera Hit Cincinnati Theatres

CINCINNATI, July 30.—Despite air-conditioning and other comforts, local theatres are feeling the effects of competition offered by night ball games here, as well as the Summer opera season at the Zoo, both of which are attracting record crowds.

Bryant's Show Boat, anchored at a downtown wharf on the Ohio river, also is a competitive factor, as are the amusement parks and Bingo, which diversions are topping records of former seasons.

TMAT and Circuit Seek to Settle Fight

Conferences between attorneys for the Rugoff & Becker circuit and Theatrical Managers, Agents and Treasurers Union for settlement of the petition of T.M.A.T. for designation as collective bargaining agency have been begun. Dispute centers on the question of whether entire circuit or separate corporations shall be used as bargaining units.

Conclude Film Congress

The first annual congress of the International Federation of Film Archives was concluded last week at the Museum of Modern Art. The Congress was attended by representatives of 12 countries interested in cultural aspects of motion pictures.

165 Theatres Send 300 To Schine Circuit Rally

(Continued from page 1)
Heiss, Lou Levitch and Harry Goldsmith.

A dinner for the managers will be served in the evening at the Hotel Johnstown. The after-dinner speaker will be Bob Hall, veteran actor and humorist.

Home Office Men to Speak

On Wednesday, addresses will be given by specialists and executives of major companies. A. J. Rademacher, Altec sound engineer, will begin with a discussion of the latest developments in sound. Charles Cassanave of National Screen will follow. Maurice Bergman of Columbia will talk on "How to Use Your Pressbook," while Alec Moss of Paramount will discuss "Showmanship to Sell Seats." Herman Wobber and William Sussman of 20th Century-Fox are slated to take up "National Publicity." Lou Pollock of Universal will follow with a discourse on "Fan Magazines." Final speaker before luncheon will be Monogram's Eddie Golden.

Monroe Greenthal, United Artists, will open the afternoon session with a talk on "National Tie-Ups," while "Selling Shorts" is the subject taken by Warners' Roy Haines. RKO's Leon Blumberger will discuss "Direct Mail Advertising."

Milliken to Discuss Problems

Principal speaker at the Wednesday sessions will be Carl Milliken, ex-governor of Maine and a leading figure in the movie industry. "Governor" Milliken will discuss new problems confronting the industry, as well as its public relations.

Following him will be Republic's president, James Grainger, and Ted O'Shea of Metro. Wednesday's dinner will be served at the beautiful Adirondack Inn at Sacandaga park, in the heart of the scenic Adirondacks. Special guests at the dinner will include Charles Coburn, veteran dramatic actor, who is directing the Mohawk Drama Festival at Union College, Schenectady. With him are expected Sally Eilers and Jean Muir, who are currently appearing in Festival plays.

Golf and Steak Thursday

Thursday will be the convention's "play day," featured by the annual Schine circuit golf tournament at the swanky Pine Brook country club here, at which the champion of the circuit will be decided. There are scores of prizes in all classes. Those who do not play will be kept amused by stunts and gags galore, designed by the best of the practical jokers in the Schine organization.

With the conclusion of the tournament, which gets underway at 10 A.M., there will be an exodus to Sacandaga Park where an outdoor steak roast will be served to the managers and about 100 special guests. Broiled over open fires the Schine roasts have made a name for themselves among theater men.

Friday will see the closing sessions, with a general business meeting of Schine managers. Addresses concluding the conclave will be given by J. Myer and L. W. Schine.

IA Threatens RKO Strike on CIO Issue

I.A.T.S.E. has intervened in proceedings before the N. Y. State Labor Relations Board which were brought by United Ushers, Doormen and Cashiers Union, C.I.O., for certification of the latter as collective bargaining agency in RKO houses in New York City. The I.A. contends that it has a local, B-170, functioning in Brooklyn and that for the present this local has jurisdiction in the entire city.

Richard Walsh, I.A. vice-president, declared Friday that if RKO signed contracts with a C.I.O. union for employes over which the I.A. claimed jurisdiction, projectionists and stagehands would be ordered to strike.

A three-cornered conference was held at S.L.R.B. offices Friday and, after some progress had been made toward an agreement, the meetings were adjourned to Thursday.

Buys Coward's Plays

M-G-M has bought the collection of Noel Coward one-act plays presented on the stage under the title, "Tonight at 8:30." The plays are "The Astonished Heart," "Red Peppers," "We Were Dancing," "Shadow Play," "Hands Across the Sea," "Fumed Oak," "Family Album," "Still Life" and "Ways and Means."

Signs French M. P. Plan

Federal Judge William Bondy on Friday signed an order approving the French Motion Picture Corp.'s plan of reorganization.

Final Tour Meeting By Levy and Ferri

Completing a seven-week tour of 20th Century-Fox exchanges in connection with the seventh annual S. R. Kent sales drive, M. A. Levy, drive leader, and Roger Ferri, editor of the *Dynamo*, company publication, conducted the final exchange meeting of the tour here Friday.

Talks on sales policy and the 1939-'40 program were made by Herman Wobber, general manager of distribution; William Sussman and W. C. Gehring, eastern and central division managers; H. H. Buxbaum, New York exchange manager; Joe J. Lee, New York sales manager, Levy and Ferri.

Charles E. McCarthy, director of advertising and publicity, discussed promotion plans. Talks were made also by Walter J. Hutchinson, director of foreign distribution, Felix Jenkins, general counsel, who discussed contracts, and William Clark, manager of short subject sales.

National Acquires Rights

National Pictures has acquired rights to "Zamboanga" for the Balkan territories from Amer-Anglo Corp. A special language version of the Philippine novelty will be made for each territory, according to Edwin Fadiman of National.

Roxy Premiere Aug. 4

"Stanley and Livingstone" will be given its world premiere at the Roxy, Aug. 4.

New Theatre Work Gains In Chicago Area

CHICAGO, July 30.—Theatre construction and remodeling is on an increase in the Chicago region.

Plans have been drawn for a $700,000 four-story fireproof theatre and business building for the northeast corner of North and Mobile Aves. in Chicago. According to John T. Wheeler & Company, negotiations are under way for financing the project.

Plans by George Walters provide for a 1,000 seat theatre, eight stores, and a furnished apartment hotel with eighty-six suites of two and three rooms. John T. Wheeler will head the corporation which will erect the building.

It is claimed that tentative leases have been made for 80 per cent of the proposed building, including the theatre.

850-Seat Effingham House

Plans for a new theatre in Effingham, to be built sometime after September 1, on the south side of the courthouse square, were received this week by Russell Hogue, manager of the Effingham Theatre.

The long-promised theatre will be one of the finest in that section of Illinois. The new theatre will be the stadium type, similar to the Mattoon theatre. A seating capacity of 850 persons is specified.

Plans for construction of another residential theatre—this one in Peoria Heights—have been announced. Promoting the construction of the new structure are Albert F. Gury, Jr., 530 West Richwoods Blvd., and his brothers, Joseph, Clarence and Elmer, and Phil Hauter, Mayor of Morton, Ill.

The theatre will stand at Prospect Road and Moneta St., in Peoria Heights. Only shows in the Heights in the past have been tent shows and school theatricals.

Ft. Wayne Theatre Remodeled

Remodeling of the Wells theatre, at Ft. Wayne, Ind., has been completed, according to Alfred H. Borkenstein, manager. The interior has been completely renovated.

A new air conditioning system, designed for year-round use, has been installed. New modernistic lighting has been installed and press wood carpeting has been placed in the theatre. Walls have been newly soundproofed and new draperies hung.

Walter Shafer announced this week that the new Garden City theatre at Wayne, Mich., will open on September 1. The theatre contains the newest and most modern features and equipment and will have a seating capacity of approximately 725. The management will be placed in the hands of Roy Campbell.

MGM Buys Stories

M-G-M has acquired film rights to "Cause for Alarm," novel by Eric Ambler published by Knopf, and four unpublished stories. These are "The Man on America's Conscience" by Alvin B. Meyers and Lowell Bordaux, and three stories written jointly by Nat Ferber, George Bricker and William Dover, titled "Red Butterfly," "The Plague Fighter" and "No More Hunger."

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First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 21 NEW YORK, TUESDAY, AUGUST 1, 1939 TEN CENTS

RKO's Stock Plans Placed Before Bondy

4,367,554 Shares of New Common Stock Set

Approximately 4,367,554 shares of new RKO common stock will be issued in addition to more than 2,230,000 shares which the reorganization plan now provides shall be issued in settlement of creditors' claims, Hamilton C. Rickaby, attorney for Atlas Corp., proponent of the RKO reorganization plan, told Federal Judge William Bondy yesterday.

The attorney said it was expected that the new common stock would have an initial market value of approximately $3 per share.

Discussing the capitalization of the new RKO company, Rickaby said that 1,040,000 shares of new common will have to be reserved for the conversion of new six per cent cumulative preferred stock; 2,577,554 shares of new common will have to be reserved for the exercise of option warrants which will be issued to holders of the present common stock of RKO; 250,000 shares will be reserved for option warrants to be issued to company executives, and 500,000 shares will be issued to raise $1,500,000 of additional working capital for the new company.

Atlas Corp. is committed to underwrite the $1,500,000 issue if it is undertaken during the next 60 days. The number of shares involved is esti-

(Continued on page 8)

British Films to Get Monogram Release

Monogram will release four British films in the next three months through its affiliation with Pathe Pictures, Ltd., said W. Ray Johnston, president, who returned on the *Normandie* yesterday from a six-weeks' trip to England and France.

He was accompanied by George West, Monogram franchise holder, and Ralph Bettinson, Pathe's representative in Hollywood.

The four pictures, Associated British or Pathe productions, will be released here under the two-year contract which Monogram signed with Pathe last November. Pathe is the British distributor for Monogram.

The titles are: "My Irish Molly"; "Dark Eyes of London" with Bela Lugosi; "The Gang's All Here" with Otto Krueger, Jack Larue, Edward Everett Horton and Jack Buchanan,

(Continued on page 8)

Producers Debate Demands by IATSE; Showdown Nearing

HOLLYWOOD, July 31.—Showdown on I.A.T.S.E. demands for new bargaining agreements with producers and in which the Alliance is bitterly opposed by the newly-formed CIO-financed United Studio Technicians Guild was at hand tonight as producers were called by Joseph M. Schenck to discuss the union situation.

A result of the meeting may be granting of new contracts to I.A.T.S.E. locals or further delay in the months-old negotiations started following withdrawal of the International from the basic labor agreement.

Hectic developments came quickly over the weekend as 400 members of U.S.T.G. picketed Fox West Coast theatres and circulated petitions among theatregoers, calling upon producers to refuse to sign I.A.T.S.E. contracts until N.L.R.B. called an election to determine the collective bargaining agency.

John Gatelee, International representative of Alliance now in charge of affairs of Local 37, issued a statement declaring Harry Bridges and other alleged Communists are behind the U.S.T.G. move. Picketing presaged intensification of campaign against I.A.T.S.E. by the Guild as conferences of leaders were held to determine course of action in the event that producers would sign Alliance contracts.

Podell May Become Trust Prosecutor

Attorney David L. Podell, who has been counsel through the years for many eminent motion picture personalities, may be named special prosecutor for the government in the pending New York anti-trust suit.

Discussions which may lead to Podell's acceptance of such a commission have been going on between him and government officials. Those who are close to the situation believe that Podell is prepared to act.

Authors to Appeal Plagiarism Ruling

Edward Sheldon and Margaret Ayer Barnes, authors of "Dishonored Lady," will appeal to the U. S. Supreme Court from the decision of the U. S. Circuit Court of Appeals here last week limiting their damages to one-fifth of the $532,000 net profits of the M-G-M film "Letty Lynton," which the courts held plagiarized their novel. The U. S. District court had awarded the authors the entire net profits originally.

Arthur Driscoll of O'Brien, Driscoll & Raftery, attorneys for the authors, said that while an appeal would be taken it was not certain yet when

(Continued on page 2)

Town Gay as Schine Rally Brings 300 Film Officials

GLOVERSVILLE, July 31.—Executives of all film companies and other industry leaders will attend the Schine Enterprises four-day convention which starts here tomorrow in the Community Center.

There will be an attendance of 300, including the circuit's division managers, house managers, staff chiefs and publicity men from 165 theatres in New York, Ohio, Maryland, Kentucky and Delaware. This is the first circuit-wide convention, signalizing 20 years of the circuit's progress under Louis W. and J. Myer Schine.

Gloversville is already in a festive mood. Stores are gaily decorated. Innovations have been planned to make this an outstanding convention.

Mayor Chauncey C. Thayer has issued a formal welcome to the Schine managers, declaring that "the city belongs to them." The Chamber of Commerce has issued a proclamation, with a welcoming committee appointed.

A highlight of tomorrow night's program will be an address on showmanship by A-Mike Vogel, chairman of the Managers' Round Table of *Motion Picture Herald*.

Charles Coburn, film character actor and at present director of the Mohawk Valley Drama Festival at Union College, Schenectady, will be guest of honor at Wednesday's meeting and dinner, when film company representatives will make addresses. The dinner will be held at Adirondack Inn, at Sacandaga Park.

J. Myer and Louis W. Schine will be principal speakers at the opening session, at which H. F. Sliter will preside. Mayor Thayer will give the address of welcome. Gene Curtis, ad-

(Continued on page 8)

IATSE Grants AFA Charter; Dispute Broils

'Raid' on 4A Jurisdiction Charged by Gillmore

I.A.T.S.E. yesterday granted a charter to American Federation of Actors with jurisdiction over all performers in the amusement field. The move is the opening gun in a jurisdictional battle among actors' unions which may involve every phase of the theatrical field.

George E. Browne, I.A. president, granted the charter under the powers given him as president of the I.A. constitution. Frank Gillmore, president of Associated Actors and Artistes of America, also an A. F. of L. affiliate, immediately denounced the granting of the charter to a union which was recently ousted from the 4-A.

"George Browne's act in attempting to raid the jurisdiction of the 4-A, a jurisdiction which has been recognized for 25 years, is a deliberate and inexcusable violation of the constitution of the A. F. of L.," Gillmore declared, adding that "the actors in the 4-A will remain firm and no self-respecting actor will be a party to the transaction."

At present, the A.F.A. will confine itself to the jurisdiction which it exercised under its 4-A charter, according to Ralph Whitehead, executive

(Continued on page 4)

New Foreign Film Firm Starts in Fall

Film Alliance of the United States will start operations in the Fall for the release of between 15 and 20 foreign films. Nat Wachsberger, French distributor and circuit head, who will be affiliated with Harry Brandt in the company, arrived yesterday on the *Normandie*.

Wachsberger brought with him prints of 12 films, which are in addition to three already here. Eight of the 15 are English and the others French.

Wachsberger plans to go to the coast in a few weeks to discuss a production deal with Boris Morros in a tieup with French interests.

First release of Film Alliance will be "Port of Shadows" (Quai de Brumes), which has received the French Government prize for excellence as well as other awards. Brandt

(Continued on page 8)

Purely Personal

TODAY is BEN WASHER's birthday.

•

EARLE M. FAIN, head of the Fain circuit, Leesburg, Fla., was a visitor yesterday at *Motion Picture Herald's* Managers' Round Table. FAIN, who is the Mayor of Leesburg, started his theatre career with A-MIKE VOGEL in Atlanta, Ga., under Col. E. A. SCHILLER.

•

LOU POLLOCK, Universal eastern advertising and publicity manager, just returned from a two weeks' visit at the studio, leaves today for Gloversville where he will be one of the speakers at the Schine Circuit convention.

•

WILLIAM SCULLY, MONROE GREENTHAL, LYNN FARNOL, GEORGE SCHUTZ, SAM SHAIN, CHARLES CASANAVE, ED CHURCHILL (Donahue & Coe), ABE WAXMAN lunching at BOB GOLDSTEIN'S Tavern yesterday.

•

MICK HYAMS, Gaumont theatre operator who is visiting here from London, left for the coast by plane yesterday. He plans to be back in about two weeks.

•

CLAUDE LEE of Gainesville, Fla., special representative for Paramount in Washington, is visiting the home office.

•

TRACY BARHAM, Paramount theatre operator at Hamilton and Middletown, O., is in New York for home office conferences.

•

LEONARD GOLDENSON and LEON NETTER of the Paramount home office theatre staff returned to New York from Detroit over the weekend.

•

ARTHUR K. HOWARD, business manager of Independent Exhibitors, Massachusetts Allied unit, is in town for a few days.

•

LEON NETTER, J. J. UNGER, LOU DIAMOND, JOSEPH BERNHARD at Nick's Hunting Room in the Astor for lunch yesterday.

•

CHARLES ROBERTS, Columbia home office supervisor for Latin America, left for Mexico by plane yesterday on a 10-day business trip.

•

JERRY BRANDT, Monogram producer, is in town after completing "The Girl From Rio."

•

M. A. SCHLESINGER has returned from Canada where he attended the Famous Players Canadian banquet.

•

MARY PICKFORD was a week-end guest at the summer villa of Mr. and Mrs. Harold Brooks in Newport.

•

ROGER FERRI, editor of the *Dynamo*, 20th Century-Fox publication, returns today from a short trip.

•

PEARL WISH, secretary to NAT COHN, has left for a two-week vacation in Canada.

•

NATHAN LOEV of Columbia celebrates a birthday tomorrow.

•

S. ERNEST PELSON, formerly with Grand National, has been appointed general sales manager of French Cinema Center.

•

HERBERT WILCOX, RKO producer, and ANNA NEAGLE, leave for England shortly to prepare for the world premiere of "Nurse Edith Cavell" at the Edith Cavell Nursing Home in Brussels. MISS NEAGLE will receive the British Award of Merit.

TOM JONES, art director for Comerford Theatres, Scranton, Pa., and WILLARD MATTHEWS, manager of the Strand in that town, are vacationing in the Adirondacks.

•

STEVE BROIDY and BEN WELANSKY, Monogram franchise owners in Boston, are visiting here. WELANSKY is also Pittsburgh franchise owner.

Insider's Outlook

By SAM SHAIN

FOR the fourth consecutive year—ever since the Harvest Moon Dance contest was originated as an annual event by the *N. Y. Daily News*—Loew's State on Broadway has grabbed off the dance winners for a two-week booking, starting Sept. 1. Ed Sullivan, *News* columnist, will be m. c. Each year the dance contest fills Madison Square Garden. W. R. Fritzinger, promotion manager of the *News*, handles the affair.

FRANKIE BASCH, formerly with WMCA and now on her own in radio, was on her way to a broadcast, as a busman's holiday, when she ran into Patsy Kelly, also on a busman's holiday—in from Hollywood and buying tickets at the Capitol Theatre.

JIMMY STEWART and Bert Lahr held lucky numbers at the A. T. & T. exhibit at the World's Fair about a week ago at ceremonies during which "Leo, Jr.," was officially inducted into the Metro fraternity. Undoubtedly it was mere coincidence that Stewart and Lahr were the winners.

THE Brandt family is a big family. Just how big it is was emphasized last Thursday at the annual boat ride of the I. T. O. A. of New York (Harry Brandt). Film salesmen, including one exchange manager and some exhibitors made up the party, besides 250-odd Brandt relatives. It was a jolly party, in spite of the rain, which caused abandonment of the sports events. Lionel Toll and Bingo Brandt handled the works with the committee in charge.

READING THE FILM PAGES: Nelson B. Bell, film editor of the Washington *Post*, and Jay Carmody, film editor of the Washington *Star*, both led off their last Sunday's columns with stories on the same theme and almost in the same vein. Each pointed to "On Borrowed Time" as an indication that the producers are showing more courage and variety in their choice of story material. . . . The Syracuse *Journal* has suspended publication, leaving the morning *Post* and evening *Herald* alone in Syracuse. The new owner of the *Herald* is a great believer in lively film pages. And those Syracuse film pages can stand plenty of pepping up. . . . An attempt by the Cleveland *Press* to slap a 25 per cent increase in advertising rates on picture theatres has the Cleveland exhibitors aroused. They point out that the business in Cleveland won't stand increased advertising costs. . . . Each year more important newspapers show a partiality for serial stories based on pictures. The Boston *Globe* is always running a serialization and apparently has found them good circulation. Currently the *Globe* is running "Andy Hardy Gets Spring Fever," adapted by Beatrice Faber. . . . The syndicated column of Harold Heffernan, ex-film editor of the Detroit *News*, is getting more and more widespread use in papers using the NANA service. Heffernan's Hollywood column is among the best as he continues to keep the fan viewpoint.

MURPHY McHENRY telegraphs that "The Man in the Iron Mask" is doing exceptional business in all places where it is released and getting holdover dates. The picture is making a fine record when the exhibitor needs it most.

PARAMOUNT has a nice film in "Beau Geste." Old timers might miss Ronald Colman, who played one of the principal roles in the original, a silent Herbert Brenon film, but the new picture should give a good account of itself at the box-office.

THE box-office successes of such films as "The Lady Vanishes," "Goodbye, Mr. Chips," "Citadel" and "Pygmalion" certainly indicate that the American public has no prejudice against British product. All the public asks is that the picture be good.

These films have helped give the trade something to think about. The English can make good pictures. "Four Feathers," a truly great film, made in color, by Alexander Korda, is another. It is a sweeping historical panorama, as worthy of the American screen as the best that has come out of Hollywood.

Novelists Will Appeal Ruling On Plagiarism

(*Continued from page* 1)

it could be done as the Circuit court returned the case to the lower court for rehearing and an apportionment of the profits of the film among the various contributors to the production other than the authors, such as the producer, director, stars and technicians.

It may require another year or longer to complete the work, thus postponing the entering of the Circuit court's judgment on which the appeal will be based for that length of time. The case was begun in May, 1932.

Driscoll pointed out that the case involves a precedent in copyright law, being the first time in the history of the law that the courts have attempted to apportion the profits of a plagiarized work.

A copyright case known as Callahan vs. Meyers is the only one of any similarity known to have been heard by the Supreme Court and in that case the court held that the profits involved could not be apportioned and awarded the plaintiff the total profit.

The Circuit Court of Appeals here in Dam vs. Kirk Lashelle held that there could be no apportionment. In its present decision, however, the Circuit court asserts that there was no evidence in the earlier case on which the court could have based an apportionment, but that such evidence was introduced in the Lynton case.

8 Films Approved By Decency Legion

National Legion of Decency approved eight of 10 films reviewed and classified this week and found two objectionable in part.

Class A-1, Unobjectionable for general patronage—"Bad Lands," "Man from Texas" and "They Shall Have Music." Class A-2, Unobjectionable for adults—"Frontier Marshal," "Island of Lost Men," "I Stole a Million," "Mr. Wong in Chinatown" and "This Man is News." Class B, Objectionable in part—"Each Dawn I Die" and "Winter Carnival."

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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The Glorious Metropolis of Van Buren, Ark.

WELCOMES BOB BURNS "OUR LEADING CITIZEN"

"Unaccustomed as I am to public speakin'...

I want to thank all the home folks for welcomin' me and the gang in **'OUR LEADING CITIZEN'** back to Van Buren. I expect the big world premiere and the coast-to-coast broadcast will be about the finest things that ever happened to me. I also want to say how proud I am to show my home folks **'OUR LEADING CITIZEN'**. Paramount and Director Alfred Santell have done a great job with it. And...well...I only hope my actin' is up to the rest of it...'cause the rest of it can't be beat."



Mexico Films Lack Buyers; Crisis at Hand

Lack of demand for its productions has brought about a crisis in Mexico's domestic-film-producing industry, according to a report to the Department of Commerce from Commercial Attache T. R. Lockett, Mexico City.

Estimates place the number of locally made pictures which have not been exhibited at around 35. Very few companies which have been able to release all their productions have continued producing, the report points out.

Because of the acute situation in the motion picture industry which affects studios, producers, and distributors, a petition to the Government for assistance was recently made on behalf of all these branches.

The first apparent result of this action, the report points out, was a promise made by the Federal District Authorities to enact legislation which will force local exhibitors to set aside 12 complete weeks each year for the exhibition of Mexican-made pictures. The proposed legislation is said to include first-run theatres as well as the smaller houses.

Financial Reports By British Studios

LONDON, July 31.—Gaumont British and Associated British Pictures Corp. issued annual financial reports today.

A.B.P.C. showed a trading profit of $6,530,905 for the year ending March 31, an increase of $207,848, or a net profit of $3,904,530. The general reserve is now $13,512,500.

Gaumont British profit for the year was $3,353,438. After the deduction for income taxes, interest on mortgage, debenture stock and depreciation, the balance available is $551,854. A moderate decrease in theatre profits was recorded.

A distribution agreement has been made with General Film Distributors for six features with GFD providing the majority of the cost.

McGinley in New 'U' Post

SEATTLE, July 31.—L. J. McGinley, Universal branch manager in this city for the last eight years, has been appointed field superintendent in the territory west of Detroit. He will serve under W. J. Heineman, western district sales manager.

Les Theuerkauf, formerly connected with Universal in both Seattle and Portland exchanges, will succeed McGinley as local manager.

Grierson to Head Board?

MONTREAL, July 31.—John Grierson, director of the London Film Center, who last year aided the Canadian Ministry of Trade and Commerce in drafting the bill recently passed which created the National Film Board, will be placed in charge of the new board, it is reported here.

Grierson will arrive in Quebec Wednesday on the *Empress of Australia.*

From Chicago Film Row

By WILLIAM CROUCH

Chicago's independent theatremen are expected to meet this week to discuss plans for getting an ordinance before the city council which will limit the running time of film programs. This action follows the defeat of the bill passed by the state legislature to limit film programs to two hours and fifteen minutes. Governor Henry Horner vetoed the bill last week. On the advice of Attorney General Cassidy he ruled the bill unconstitutional.

The idea of a city ordinance to prevent double features is not a new one. Last year several ordinances were proposed to stop double features. One of them was based on the theory that duals were harmful to health. This same idea will probably be brought out again. Women's clubs and P. T. A. groups as well as independent theatremen will back the plan.

Irene Castle McLaughlin leaves for a summer theatre engagement in Short Hills, N. J., where she will appear in a one-act play called "Shadow Play," by Noel Coward. Several of her society friends here plan to leave for the opening of the play August 14th.

Mrs. Peck Gomersall entertained a group of Mrs. Clyde Eckhardt's friends at dinner the evening of Mr. Eckhardt's testimonial dinner. A menu identical to the one at the banquet was served the ladies at the Gomersall home.

Esther Ralston left for New York for a stage engagement there following a week's appearance at the Oriental. This week Evelyn Brent is appearing there in person. These appearances are in line with the new Oriental policy of more screen names in stage shows.

The "Dr. I. Q." radio show with Lou Valentine in the title role will be presented as a stage attraction in mid-western theatres, it was learned this week. The program is now broadcast from the Chicago theatre over NBC due to an injunction granted the sponsors of the show preventing the Chicago corporation counsel from stopping the show on the grounds that it was a "game of chance." The other appearances of the show will not be broadcast, but will be sponsored by Mars, Inc., makers of the Milky Way candy bar who will offer the show to theatres in the same form as done over the air. Announcers will roam about the theatre—ask questions and pay off with cash or candy bars. The Minnesota in Minneapolis is the first theatre to sign for the show as a stage presentation.

The National Barn Dance Show, that is, what's left of it now that so many of the gang are in Hollywood working for Republic, will appear in person at the Illinois State Fair again this year. The Fair starts Aug. 12.

The Ringling Bros.' Barnum & Bailey Combined Shows, playing a nine-day engagement along the lake front, have sold out every performance. John Ringling North, manager of the shows, reports this is the best business done in several years. Top prices are being charged for the show. They are $1.10 for general admission and $2.20 for reserved seats. Instead of a wild west show following the main performance this year, the circus is staging a musical review with 70 dancers in the chorus plus a number of variety acts.

John Barrymore, now appearing in "My Dear Children," which has been here for more than 100 performances, has rented a country home for the balance of the engagement. Barrymore appears on the Rudy Vallee broadcast from here this week.

Arthur Silverstone In 3-Week Stay Here

Arthur Silverstone, assistant managing director for United Artists in Great Britain, arrived yesterday on the *Normandie* for his first visit here in four years.

Silverstone expressed the belief that there will be no European war. He will go to Winnipeg where his wife is visiting relatives. They will leave for England in about three weeks.

Silverstone is a brother of Murray Silverstone, executive head of U. A., and Emanuel Silverstone, Alexander Korda's American representative.

Garson Kanin, RKO director, returned from a vacation. He will leave Friday for the Coast to direct "Passport to Life."

Among other arrivals were: Jorge Miranda, operator of the Braden Copper circuit in Chile, and Mrs. Miranda, who returned from a European vacation; Vyvyan Donner, Movietone News fashion editor, who looked over styles in Paris and London for her next "Fashion Forecast" short; Sam Levene, actor, and Mrs. Morton Downey, the former Barbara Bennett.

Harry Cohn to Sail Abroad Tomorrow

Harry Cohn, president of Columbia, is scheduled to sail tomorrow on the *Normandie.* Besides looking over the European situation and conferring with Joseph A. McConville, Columbia's foreign chief, who is now in England, Cohn plans to vacation in the south of France.

Norma Shearer is sailing on the same ship, as are Edward G. Robinson and Mrs. Robinson; Milton Sperling, Warner writer and Mrs. Sperling, the former Betty Warner, who are honeymooning; Ben Lyon and Mrs. Lyon (Bebe Daniels); Mr. and Mrs. Bob Hope; Charles Boyer and his wife, Pat Patterson; Mr. and Mrs. Norman Z. McLeod; Nat Deverich, Hollywood agent; Gilbert Miller, stage producer, and Mrs. Miller; George Raft and Roland Young.

Cincinnati Deaths

CINCINNATI, July 31.—Two theatre men here are dead. John F. Buck, Sr., 76, who for 55 years worked as stage manager in practically every local theatre, died at Bethesda Hospital following a two months' illness. His son survives. Joseph C. Spieker, 48, who operated the Freeman, neighborhood house, died here suddenly of a heart attack.

IATSE Grants AFA Charter; Dispute Broils

(*Continued from page* 1)

secretary. However, the jurisdiction will be extended as made necessary to protect the membership, Browne said. The charter includes performers on the screen, radio, television and legitimate stage as well as vaudeville and night clubs, Browne said.

Neither side would comment yesterday on what moves would be made when the question of jurisdiction affects the performer.

"Its immediate effect will be to ensure that agents, employers and producers book only A.F.A. acts in any spot in which there is an I.A.T.S.E. stagehand or operator," the I.A. statement declared.

On the other hand, all 4-A unions have declared that their members must join the newly-chartered American Guild of Variety Artists when working in the vaudeville field or face charges.

I.A. has promised full financial support to the A.F.A. The fight is expected to reach a climax before the executive council of the A. F. of L. at Atlantic City Monday. The 4-A has filed a protest against the I.A. charter and has also told the council that the A. F. of L. has no jurisdiction to hear charges preferred by the A.F.A. against the 4-A.

I.A. has a membership of 60,000 while the 4-A has almost 30,000. A.F.A. claims 15,000 and A.G.V.A. claims 2,000. These latter figures are disputed by both sides.

New Haven Golfers To Share 40 Prizes

NEW HAVEN, July 31.—Film men from all parts of the state will join with New York and Boston guests in the fourth annual film golf tournament sponsored by Connecticut MPTO at Racebrook Country Club tomorrow. Valuable gifts contributed by various members and friends of the industry now number over 40.

Events start at 10 a.m. with a 9-hole qualifying round in preparation for the 2 p.m. 18-hole championship tournament.

Gibralter Election

DENVER, July 31.—Gibralter Enterprises, organization of seven theatre men operating in this area, will hold its annual meeting here Friday to Sunday. Discussion of business conditions and elections will take place.

Candy in Theatres Suffers Sales Tax

Columbus, O., July 31.—Although the Ohio Supreme Court has held that candy (including popcorn) is a food and therefore not subject to the sales tax, the State Tax Commissioner has ruled that candy sold in theatres was consumed on the premises and would therefore continue to be subject to the sales levy.

OZ

M-G-M's **"THE WIZARD OF OZ"** is coming!

Yesterday it was previewed at M-G-M's Home Office. It is one of the great pictures of all time, perhaps the greatest picture ever made!

Beyond your wildest dreams are its Technicolor wonders, as thousands of living actors create screen magic to thrill the world! Its appeal is unmatched since "Snow White."

Preceded by a $250,000 advertising campaign in national magazines and newspapers, "THE WIZARD OF OZ" will have the greatest list of simultaneous bookings ever made on any film. Watch the column to the right GROW!

M-G-M's Technicolor Wonder Show "THE WIZARD OF OZ" with Judy Garland · Frank Morgan · Ray Bolger Bert Lahr · Jack Haley · Billie Burke · Margaret Hamilton · Charley Grapewin and The Munchkins A VICTOR FLEMING Production · Screen Play by Noel Langley, Florence Ryerson and Edgar Allan Woolf · From the Book by L. Frank Baum · Directed by Victor Fleming · Produced by MERVYN LeROY



OZ

Watch the list GROW!

United Artists, Chicago . Grand, Atlanta Vendome, Nashville . State, Memphis State, Houston . State, New Orleans Midland, Kansas City . State, St. Louis Palace, Indianapolis . Loew's, Louisville Victory, Evansville . Loew's, Rochester State, Syracuse . State & Orpheum, Boston State, Providence . Palace, Washington, D.C. . Century, Baltimore . State, Norfolk Parkway, Wilmington . State, Cleveland Valentine, Toledo . Loew's, Akron Loew's, Canton . Loew's, Dayton . Ohio, Columbus . Penn, Pittsburgh . Colonial Reading . Regent, Harrisburg . Carolina, Charlotte . Shea's Great Lakes, Buffalo Orpheum, Denver . State, Minneapolis Paramount, St. Paul . Wisconsin, Milwaukee . Palace, Albany . Palace, Dallas Majestic, San Antonio . Criterion, Oklahoma City . Omaha, Omaha . United Artists, Portland . Ritz, Tulsa . Warfield, San Francisco . Des Moines & Roosevelt, Des Moines (Day and Date) . Fifth Ave., Seattle . Carthay Circle, Los Angeles . Cataract, Niagara Falls . Virginia, Champaign, Ill. . Colfax, South Bend . Centre, Salt Lake City . Indiana, Terre Haute . Lyceum, Duluth . Riviera, Binghamton . Grand, Topeka . Miller, Wichita . Colonial, Allentown . Broadway, Kingston . Bardovan Poughkeepsie . Paramount, Oakland Warner, Youngstown . Lincoln, Trenton Ellanay, El Paso . State, Portland, Me. Fox, Spokane . Music Box, Tacoma Academy, Meadville, Pa. . Drake, Oil City, Pa. . Cambria, Johnstown, Pa. . Penn, New Castle, Pa. . Menlo, Charleroi, Pa. State, Altoona, Pa. . Lyceum, Kittaning, Pa. . Manos Band Box, Vandergrift, Pa. Colonial, Elmira, Pa. . American, Roanoke Ceramic, E. Liverpool, Ohio . Havens, Olean, N. Y. . Princess, Modesto, Calif. Pine Tree, Klamath Falls, Ore. . Madison, Peoria . Orpheum, Springfield, Ill. . Regent, Grand Rapids . Capitol, Flint . Strand, Lansing . State, Kalamazoo . Ute, Colorado Springs . Lincoln, Cheyenne Lafayette, Lafayette, Ind. . Keith Albee, Huntington, W. Va. . Ohio, Lima . Gillioz, Springfield, Mo. . Morgan, Ironwood, Mich. . State, Easton . Rialto, Williamsport, Pa. . Capitol, Charleston, W. Va. Mayfair, Asbury Park . Majestic, Perth Amboy . Ohio, Sandusky.

Just the Start!
Hundreds on the way!
Watch it GROW!

Oz

Weather Hurts Phila. Business; 'Fiddle' in Lead

PHILADELPHIA, July 31.—Hot, sticky weather did its damage to the box-office this week, though the Fox evaded the curse to run up its best week of the summer. The combination of the Henie-Power "Second Fiddle" on the screen and the Three Stooges on the stage lifted the take to $20,000.

"Man in the Iron Mask" also slightly topped the Stanley average with $14,500 and will stay part of a second week.

Everything else dropped, though the $10,000 at the Boyd for "Mr. Chips" was a good figure for a fourth week. "They All Come Out" won better notices than fan attention and got a $5,500 at the Earle.

Total first run business was $64,300; the average is $70,300.

Estimated takings for the week ending July 28:

"Man About Town" (Para.)
(2nd Run)
ARCADIA—(600) (25c-40c-57c) 7 days. Gross: $2,600. (Average, $2,800)
"Good-bye Mr. Chips" (M-G-M)
BOYD—(2,400) (32c-42c-57c) 7 days, 4th week. Gross: $10,000. (Average, $14,000)
"They All Come Out" (M-G-M)
EARLE—(2,000) (26c-32c-42c) 7 days. Gross: $5,200. (Average, $8,000)
"Second Fiddle" (20th Cent.)
FOX—(3,000) (32c-42c-57c-68c) 7 days (6 days stage). Stage: Three Stooges. Gross: $20,000. (Average, $14,000)
"Good Girls Go to Paris" (Col.)
(2nd Run)
KARLTON—(1,000) (32c-42c-57c) 7 days. Gross: $2,800. (Average, $4,000)
"Invitation to Happiness" (Para.)
(3rd Run)
PALACE—(1,000) (26c-42c) 7 days. Gross: $3,700. (Average, $4,500)
"Man in the Iron Mask" (U. A.)
STANLEY—(3,700) (32c-42c-57c) 7 days. Gross: $14,500. (Average, $14,000)
"Daughters Courageous" (Warners)
(2nd Run)
STANTON—(1,700) (26c-32c-42c) 7 days. Gross: $5,500. (Average, $7,000)

Orpheum Theatre's Balance of $28,516

Final report on the Orpheum Theatre Co. revealing a balance of $28,516 to be distribtued, was filed yesterday in the U. S. District Court by Peter B. Olney, Jr., referee in bankruptcy. The report, which will be passed upon tomorrow by Federal Judge Murray Hulbert, recommends payment of $3,998 in attorneys' fees and commissions, and the distribution of the balance to creditors, totaling $1,425,335. Referee Olney lists the Irving Trust Co. as trustee of RKO as the largest creditor, with a claim of $824,026 for guaranteeing notes of the company. RKO Orpheum as assignee of Stadium Theatres, Inc., $510,807, and Paramount Pictures, Inc., $94,462 for rent.

Theatre Ties in K. C. Air Series

KANSAS CITY, July 31.—Sypho Co., bottlers, has purchased time on KCMO for one year, beginning with 13 weeks of the Sidewalk Snooper starting Aug. 7. The Snooper is six quarter hours a week at 1:30 p.m., conducted by a boy and girl in front of the Newman Theatre. It is an interview type of program. Persons appearing will get a soft drink from a portable cooler.

Hollywood Review

"Our Leading Citizen"

(Paramount)

HOLLYWOOD, July 31.—Probably in the back of every loyal American's head there is a feeling that there is a cure for all the political, social, class vs. class, capital vs. labor and right vs. wrong maladjustments presently fretting the body politic. Paramount's "Our Leading Citizen," taking those and several more conflicts for its premise, strives valiantly and with some degree of conviction to demonstrate that there is a way. It elects to prove that real Americanism, tolerance, understanding of the rights of others and honesty of purpose is the way.

Magnate Gene Lockhart's profiteering brings discord, strikes, violence, murderous death and radicalism to a once contented rural-industrial town. Capitalizing upon a young lawyer's (Joseph Allen) vanity, taking him, to transpose a phrase, to a mountain top and tempting him with the glamor of the rich man's world, he disrupts a generations-old legal firm. But he makes honest old lawyer Bob Burns, who prays that he may be guided by Abraham Lincoln's philosophy, his flaming nemesis. With that as the plot nub, the story then fortifies itself with reenactments of much turmoil and strife, bombings, burnings, riotings and sabotagings that have made sensational headlines from one end of the nation to the other during the past few years. Burns' reward for driving out strike-breakers and radicals, getting the peoples' jobs back, restoring law and order and establishing equitable understanding is nomination for the U. S. Senate.

Burns is commendable in his role and Lockhart, Charles Bickford, Clarence Kolb, Fay Helm and Paul Guilfoyle contribute vivid characterizations. Joseph Allen, who shares the romantic sub-theme with Susan Hayward, has a few impressive moments.

John C. Moffitt's adaptation of Irvin Cobb's story covers a great deal of ground and, while it is sometimes plausible, it is, on other occasions, episodically cumbersome. Alfred Santell's direction of the George M. Arthur production might be similarly described.

Running time, 85 minutes. "G." G. McC.

"G" denotes general classification.

'Hardy' Leads Pitt. With Record $20,500

PITTSBURGH, July 31.—"Andy Hardy Gets Spring Fever" drew $20,500 for Loew's Penn, the biggest gross anywhere in the city in months. Other houses continued to show improvement, attributed primarily to sizeable pickup in district's business and industry. Second week of "Man About Town" at Warner good for $4,600, Alvin's "Unexpected Father" managed $6,000,

Estimated takings for the week ending July 27:

"Unexpected Father" (Univ.)
ALVIN—(1,900) (25c-35c-50c) 7 days. Gross: $6,000. (Average, $7,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days. Gross: $20,500. (Average, $15,000)
"Hell's Kitchen" (W. B.)
STANLEY—(3,600) (25c-35c-50c) 7 days. Gross: $9,500. (Average with stage show, $17,000)
"Man About Town" (Para.)
WARNER—(2,000) (25c-40c) 7 days, 2nd week. Gross: $4,600. (Average, $4,500)

Summon McCarthy In Sherwood's Suit

Charles McCarthy, director of publicity and advertising for 20th Century-Fox, has been ordered by N. Y. Supreme Court Justice Edward J. McGoldrick to appear for an examination before trial Wednesday in connection with suit brought by Robert Sherwood, playwright, against 20th Century-Fox. At the same time, Justice McGoldrick denied an application to examine Darryl F. Zanuck, vice-president in charge of production, but stated that Zanuck's deposition could be taken on the coast. Sherwood contends that the film, "Young Mr. Lincoln," is in "unfair competition" with his play, "Abe Lincoln in Illinois."

Free Outdoor Films Stir Up Ohio Rebuke

Columbus, O., July 31.—A ray of light for those theatre owners who suffer from the competition of free outdoor movie shows is reported by the I.T.O. of Ohio.

Commenting on the practice in small towns of merchants offering free outdoor movies, one small town newspaper seems to be definitely opposed to the idea, putting thumbs down in these words:

"So far as we can see the free movie each Saturday night does several things as follows: (1) Keeps people awake in the adjoining neighborhood, and is therefore a nuisance generally; (2) Keeps children out of bed later than they should be; (3) Draws trade away from stores; (4) Competes with a legitimate enterprise which operates year-round and brings trade to the community; and (5) Provides very bum entertainment at best."

'Wizard of Oz' Goes Into Capitol Aug. 17

"The Wizard of Oz," M-G-M fantasy in color, will open at the Capitol Aug. 17. On the same bill Judy Garland, who is in the film, and Mickey Rooney will make personal appearances in an act they are rehearsing on the Coast. This is the first time in several years that the theatre has had a stage show.

Minnesota's Boxoffice Best In Twin Cities

MINNEAPOLIS, July 31.—The Minnesota, reopening with Jack Larue, other acts and "Sidewalks of New York" for the first program, did $8,500 for the best business of the week. Next best was "Second Fiddle" at the State, which did $6,000, and moved to the Century.

In St. Paul, best business was done by "Second Fiddle," which was good for $5,000 at the Paramount.

"Girl from Mexico" (RKO)
"Bulldog Drummond's Bride" (Para.)
"Mr. Moto Takes a Vacation" (20th-Fox)
"Hell's Kitchen" (W. B.)
ASTER—(900) (15c-25c) dual bills, split week. Gross: $2,000. (Average, $1,500)
"Good-bye, Mr. Chips" (M-G-M)
CENTURY—(1,600) (25c-40c) 7 days, 3rd week, transferred from State. Gross: $4,000. (Average, $4,000)
"Naughty But Nice" (W. B.)
GOPHER—(990) (25c) 7 days. Gross: $3,200. (Average, $2,500)
"Sidewalks of New York" (Mono.)
MINNESOTA—(4,200) (15c-30c) with Jack Larue stage show, 7 days. Gross: $8,500. (Opening week)
"Tarzan Finds a Son" (M-G-M)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $4,100. (Average, $4,800)
"Second Fiddle" (20th-Fox)
STATE—(2,300) (25c-40c) 7 days and moved to Century. Gross: $6,000. (Average, $4,400)

St. Paul:

"Tarzan Finds a Son" (M-G-M)
"Good Girls Go to Paris" (Col.)
"Tarzan" 3 Days, "Girls" 4 Days
ORPHEUM—(2,000) (25c-40c). Gross: $4,500. (Average, $3,200)
"Second Fiddle" (20th-Fox)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $5,000. (Average, $4,000)
"Naughty But Nice" (W. B.)
RIVIERA—(1,000) (25c) 7 days. Gross: $2,100. (Average, $1,800)
"Blind Alley" (Col.)
"Mr. Moto Takes a Vacation" (20th-Fox)
"Missing Daughters" (Col.)
"The Man Who Dared" (F. N.)
TOWER—(1,000) (25c) dual bills, split week. Gross: $1,800. (Average, $1,500)
"Wolf Call" (Mono.)
World—(400) (25c-35c) 7 days. Gross: $800. (Average, $700)

Hollywood Notes

HOLLYWOOD, July 31. — Cecil B. DeMille, producer of Lux Theatre of the Air, and Danny Danker, vice-president in charge of the Hollywood office for J. Walter Thompson agency, today announced appointment of S. H. Barnett as agency director for the show. He succeeds Frank Woodruff who resigned to direct films at RKO. Lux show resumes air time Sept. 11.

Twentieth Century-Fox today borrowed Ray Milland from Paramount to appear opposite Sonja Henie in "Everything Happens at Night."

Selznick today signed Robert Stevenson, English director who guided "Nine Days a Queen" and "To the Victor" to a term contract. Stevenson leaves London Aug. 9. No assignment has been decided for him.

Warners today announced the purchase of "They Fly Through the Air," Norman Corwin's prize radio script dealing with the bombing of defenseless cities in war as material for a short subject.

BEAUTY and REALISM in COLOR



ARE MOST EFFECTIVELY ATTAINED
through the medium of
SNOW WHITE PROJECTION LIGHT

Your patrons wish to forget that they are looking at a picture. The closer they come to feeling that they are watching living and breathing people, the better they are pleased. Color is growing steadily in popularity because it adds much to this feeling of realism. But snow-white light is needed to give color features their full value. Low intensity projection falls short of realism because the yellowish tint distorts color values.

Simplified High Intensity projection gives a snow-white light which brings out the full beauty and realism of color features. It also supplies two and one-half times as much screen light as low intensity projection for the same power consumption. Black and white pictures, as well as color, are more effectively projected by this powerful projection light.

Should you still have low intensity lamps it will pay you to investigate modern, economical, high intensity projection, *the light that pays its own way.* Ask your dealer to show you how improved projection pays investment and operating costs.

Make your projection equal to that of any theater in the country.

SIMPLIFIED
High Intensity
PROJECTION

WITH "NATIONAL" "SUPREX" CARBONS

ECONOMICAL AND MODERN

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Unit of Union Carbide UCC and Carbon Corporation
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General Offices: 30 East 42nd Street, New York, N. Y.
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The words "National" and "Saprex" are trade-marks of National Carbon Company, Inc.

300 at Schine Circuit Rally; Chiefs Attend

(Continued from page 1)

vertising and publicity director, will discuss the industry's Golden Jubilee Celebration.

Louis W. Schine will make awards to contest winners and outline a new contest. George Lynch, chief film buyer, and Lou Goldstein, head booker, will speak. After a talk by John A. May, comptroller, the convention will adjourn for lunch.

Louis W. Schine will preside at the afternoon session. Talks are scheduled as follows: "What Is a Theatre Manager?" Louis Lazar; "Analyzing Your Territory," William Tubbert; "Does Good Housekeeping Sell Seats?" Clint Young; "Manpower," Douglas Leishman. Then will follow discussions by members of the purchasing and maintenance department.

James Levine will speak on "Proper Handling of Your Patrons for Greater Turnover"; Frank Boucher on "Your Show Windows," and there will be the following discussions: "Local Promotions and Giveaways," Bud Silverman; "Dressing a Stage," Marsh Gollner; "The Value of an Organized Theatre Staff," Jerry Fowler; "Your Theatre's Place in the Community," Lew Hensler; "Intelligently Analyzing Your Business," Bill Heiss; "Proper Presentation of Theatre Games," Lou Levitch; "Expense Control," Al Marquesee; "Children—Patrons of Today and Tomorrow," Henry Goldsmith. Then will follow discussions on insurance, real estate and "Legal Pitfalls and How to Avoid Them," by representatives of those departments. Gus Lampe will talk on "Pre-analysis and Taking Advantage of Picture Values."

Following dinner, Bob Hall will introduce A-Mike Vogel for his address and there will be a screening of Paramount's "Beau Geste" at the Community Center.

Special cars on the New York Central's Upstate Special have been reserved for New Yorkers going to the convention Wednesday. Carl E. Milliken of the M.P.P.D.A. will attend. Company representation will be as follows:

Twentieth Century-Fox, Herman Wobber, William Sussman, Rodney Bush; Columbia, A. Montague, Lou Weinberg, Maurice Bergman; Paramount; J. J. Unger, Milt Kusell, Alec Moss; M-G-M, E. K. O'Shea; United Artists, Harry Gold, Charles Stern, Montroe Greenthal; Universal, William A. Scully, F. J. A. McCarthy, Lou Pollock; RKO, E. W. McAvoy, Harry Michaelson, Leon Bamberger, J. Henry Walters; RKO Theatres, John J. O'Connor, Fred Meyers, Herb MacIntyre; Monogram, Edward A. Golden; Republic, James R. Grainger, Jack Bellman; Warners, Roy Haines, Arthur Sachson; National Screen, Herman Robbins, George Dembow.

Also attending will be Willard McKay, attorney; John Eberson, Lou Goldberg and William B. Groat.

New Wheatena Show

Wheatena Corp. will sponsor a new dramatic script series, "Hilda Hope, M.D.," over NBC beginning October 7. Series will be presented from 11:30 A. M. to 12 noon over 17 stations.

BANNER RADIO LINES

By JACK BANNER

RCA-WNEW AGREEMENT? . . . Indicating that an agreement has been reached between WNEW and RCA-Victor, Martin Block, upon return from vacation yesterday, began playing RCA records on his "Make-Believe Ballroom." RCA records have not been played on WNEW since the recording company won a victory in court against the station playing its platters.

ABOUT VALLEE'S SUCCESSOR . . . So tightly insulated is J. Walter Thompson against any leak as to who or what has been signed or is being considered as the successor to Rudy Vallee, that we doubt if even Sherlock Holmes, Mr. Moto, Charlie Chan and all the screen detectives rolled into one would be able to obtain a clue. One meagre bit of information has come this way, however, and it is authoritative. It is that the new Standard Brands setup will not be one full-hour show, but will be two programs of 30 minutes each. Our understanding is that both programs are practically signed. Their identity, however, is a dark secret.

EXPLORERS TELEVISING . . . Armand Denis and Leila Roosevelt were so impressed by theatre screen-size television, viewed in London while they were enroute to India, that they are shooting special television footage on their current Asiatic expedition, in addition to footage for their film feature. This information is according to Hansen-Williams, Inc., the film explorers' representatives. Denis and Leila Roosevelt, who is Mrs. Denis, are the explorers who made "Dark Rapture" a number of years ago.

STUDIO TELEVISION SHOWS END . . . With the leavetaking the past week-end of the entire studio television production and engineering staffs, the video studio programs at NBC have come to an end for at least one month. From now on and until the return of the crews, the television schedule will comprise outdoor pickups and film features. Those who went off on vacation include Tom Hutchinson, Edward Padula, Frank Lepore, Alice Cook, Beaulah Jarvis, F. A. Wankel, W. C. Eddy, Reid Davis, Howard Gronberg, Albert Protzman, Walter O'Hara, Charles Townsend, Edwin Stolzenberger, John Burrell, Ross Plaisted, Herman Gurin, Dudley Goodale, Frank Somers, Thomas Buzalski, Reginald Werrenrath, Jr., and Albert Naszimento.

Finis to the studio programming was viewed Friday, with the presentation of the opera and concert star, Lucy Monroe, as the headliner of a variety hour. That Miss Monroe gave a remarkable television performance is hardly news, for she has a remarkable voice and is remarkably beautiful.

PERSONALS AND NOTES . . . Niles Trammell, NBC executive vice-president, off for three weeks of fishing in Canada. . . . Jules Herbuveaux, NBC Chicago program director, in New York to confer with John Royal about new programs. . . . Harold Oxley, manager of Jimmie Lunceford, back to New York yesterday on the *Normandie* after a number of weeks in Europe with Mrs. Oxley and daughter Frances. . . . Dave Elman underwent an emergency appendectomy at St. John's Hospital, Fargo, N. D., on Sunday. Another who was seized similarly is Rex Stout who is in the Danbury Hospital, Danbury, Conn. Stout was to have appeared on "Information Please" tonight. . . . Lester Gottleib, Mutual's publicity director, back from vacation yesterday. . . . Marie Wilson is ailing, and so Anita Loos will pinch hit for her tonight on "We, the People." . . . Herbert Drake, general coordinator for Orson Welles productions, arrived by plane in Hollywood yesterday.

New Foreign Film Firm Starts in Fall

(Continued from page 1)

plans to show French films at the Park at Columbus Circle and the English pictures either at the Globe or Central, as well as through the Brandt circuit, conditional on his being able to negotiate a satisfactory deal with other circuits.

Another picture will be "The Pirate" (Le Corsaire) which Charles Boyer will make in France. Boyer sails tomorrow. Another Boyer film in France is scheduled next year, possibly with Danielle Darrieux.

Jean Gabin and Michele Morgane, featured in "Port of Shadows," are scheduled to make "Salvage," another Andre Daven film, which Film Alliance is scheduled to release.

Two of the English pictures are "Command Performance" and "Follow Your Star," which Arthur Tracy made for General Film Distributors (C. M. Woolf) last year. Tracy returned on the *Normandie*.

Two Film Firms Are Incorporated

ALBANY, July 31.—A film brokerage and general advertising business is to be conducted by the Tel-Pic Syndicate, Inc., under terms of incorporation filed here by Benjamin Jaffe, attorney, New York. Fay Solowitz, George Greenberg, and Lillian Schauben, New York, are listed as directors.

Additionally, capital stock amounting to $20,000 is set-up by the Marathon Motion Picture Corp., whose incorporation lists authority to deal in motion pictures. Directors are Dean Pochna and Ivan Pochna, and Benjamin F. R. Basset, New York.

WNEW, AFRA Sign

WNEW has signed an agreement with AFRA, it was learned last night. The contract terms remain unknown. Emily Holt, head of AFRA, is in Chicago negotiating AFRA contracts with stations there. Miss Bernice Judas, manager of WNEW, was unavailable for comment last night.

RKO's Stock Plans Given Judge Bondy

(Continued from page 1)

mated on the basis of the $3 initial market value of the new shares. The underwriting agreement has not been completed yet, but it was discussed at the meeting of the RKO board last week. Atlas's compensation for its underwriting services is to be fixed by the court.

Capitalization of the new company will be $13,000,000 of six per cent cumulative convertible first preferred stock of $100 par value and 8,000,000 shares of new common. Of the 130,000 shares of new preferred, more than 127,000 shares will be issued to holders of the old RKO debentures.

In addition to the 4,367,554 shares of new common to be issued for the foregoing purposes, holders of the old debentures will receive 602,697 shares; Rockefeller Center, 400,000 shares; unsecured creditors, 800,000 shares, and holders of the old common stock, 429,593 shares.

Thus, approximately 6,600,000 shares of the 8,000,000 shares authorized will be outstanding or reserved for special purposes on reorganization. The remainder, or part of it, may be used in settlement of possible allowances of contingent claims against the old company; for the possible issuance of further option warrants, and for possible awards as compensation for services performed by reorganization principals.

Judge Bondy adjourned the reorganization hearing to Friday. There is little likelihood of the underwriting agreement being completed by then, Rickaby said.

British Films to Get Monogram Release

(Continued from page 1)

and "Trader Spy" with Bruce Cabot. The last one goes in production this week.

Johnston said Monogram has no plans to produce in England. The British studios can supply the needs of any American company, he said, as they are familiar with American requirements.

Monogram plans to send its stars to England to work in films intended for the American market and scripts will be collaborated on here before approval. This was the case with the script of "Trader Spy."

British production has improved greatly in the last year from the standpoint of the American market, Johnston reports.

Upon their arrival, Johnston and West were guests of the Monogram staff and friends at luncheon at the Hickory House. Among those attending were Jerry Brandt, Joe J. Felder, Lou Lifton, Hugh Davis, John Harrington, Steve Broidy, Ben Welansky, Miss Madeleine White, Edward A. Golden, Leon Fromkess, Harry Iverson, Russell Bell, Charles Dorsa, Charles Morla, Manny Reiner, Lloyd Lind, Mrs. George West, Mae Brandon, Mrs. Johnston, Mrs. N. Witting, Ralph Bettinson, Mr. and Mrs. Lou Guimond.

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 22 NEW YORK, WEDNESDAY, AUGUST 2, 1939 TEN CENTS

Schine Rally Hears Chiefs' Trade Ideas

Vogel Answers Criticism Against Picture

GLOVERSVILLE, N. Y., Aug. 1.—More than 250 Schine theatre managers from five states heard film advertising criticized as still in the nickelodeon days of the movies at today's opening sessions of the four-day Schine convention in the Community Center auditorium here.

The criticism was leveled by Gene Curtis, Schine advertising and publicity department head, who pleaded for a new approach to the problem.

One answer had been evolved by the Schine advertising department, he said, and then proceeded to outline a new "movie line" contest which not only advertise the picture, but uses the appeal of contests, so widely utilized in modern industry, to attract the reader to the advertising.

Cash and other prizes are provided, final prizes to be for the complete series of answers whether original or otherwise. The contest is to be conducted by Schine houses either through newspapers, advertisements or by heralds. It is not a lottery or drawing, and meets with all legal restrictions on such, he said.

One of the other highlights of the first day's session was provided by E. Douglas Leishman, head of the personnel department, who talked on "Manpower"—he stressed the wisdom of getting the best type of man possible for the job, no matter how small the task.

"The Schine organization believes in developing its men from within; it tries to make its own executives," he said. "Such men are loyal and they have learned the business from the ground up."

To illustrate his point he revealed that 14 former Schine doormen and ushers had become theatre managers in the past year.

At the start of the morning session General Chairman Harold F. Sliter announced the winners of contests on three recent pictures. They are:

"Dark Victory"—Frank L. Nolan, Athens theatre, Athens, Ohio; Sam Shaffer, Liberty, Herkimer, N. Y.; Frank Boucher, Glove, Gloversville; Wally Allen, Kentucky, Lexington, Ky.; Jack Frisch, Russell, Mayville, Ky.; John Makemson, Bourbon, Paris, Ky.; Joe Schwartzwalder, Auburn, Auburn, N. Y.; John Manuel, Strand, Delaware, Ohio; Harold Koren, Fed-

(Continued on page 2)

Ask 50c Tickets At Fair Every Day

Exhibitors and concessionaries at the World's Fair are continuing their fight against a 75 cent admission price despite the reduction to 50 cents for Saturdays and Sundays. Representatives of both groups termed a cut on the busiest days "ridiculous" and asked a reduction for weekdays as well.

Battle for Revival Of Federal Theatre

WASHINGTON, Aug. 1.—Final effort to revive the Federal Theatre Project, eliminated by Congress in passing the Relief Appropriation Bill, will be made this week by Senator Pepper of Florida when the third deficiency bill comes before the Senate just prior to adjournment.

Withdrawing an amendment to the "lending-spending" bill to that effect at the suggestion of Majority Floor Leader Barkley, Senator Pepper yesterday announced he would offer it to the deficiency legislation.

The amendment would permit only such theatre projects as were sponsored by local interests in the same manner as is required for other WPA activties.

It was pointed out by Senator Barkley that the Senate had approved continuance of the Theatre Project but that the House had refused to accept it, and he predicted that the House attitude would remain the same if the matter was again presented.

Studio Deadline Passes But IATSE Delays Strike; SAG Ousts Miss Tucker

4A Criticized by Singer; Controversy Expands In All Directions

The jurisdictional fight between Associated Actors and Artistes of America and I.A.T.S.E. was intensified yesterday as both sides prepared for a battle to protect the jurisdictions they claim over actors.

Outstanding developments yesterday were:

Sophie Tucker, president of American Federation of Actors, now an I.A. affiliate, was expelled from the Screen Actors Guild for "flagrant and obvious offense against its best interest."

S.A.G. pledged its full financial strength to assist the 4-A, and plans to call a mass meeting on the Coast.

Sophie Tucker's Answer

Miss Tucker responded by saying that the 4-A is "letting itself in for more than it bargained for," and "we can play the game any way they might choose."

The 4-A, in a letter to the A. F. of L., characterized A.F.A. affiliation with I.A.T.S.E. as the "most barefaced jurisdictional raid ever perpetrated," and asked for suspension of the I.A. charter. In addition, an ex-

(Continued on page 2)

Producers Defer Action On Alliance Demand For Closed Shop

HOLLYWOOD, Aug. 1.—As the deadline for the producers to sign bargaining agreements with the I.A.T.S.E. expired tonight, indications were that the Alliance would take no immediate strike action as threatened when the demands for closed shop conditions and increased wage scales were presented.

A statement issued by John Gatelee, international representative here, declared that since the deadline has been ignored "I.A.T.S.E. now feels at liberty to take such economic action as it sees fit."

The producers prepared to take several days to study I.A.T.S.E. demands and today received a telegram from the United Studio Technicians Guild, CIO-financed organization, which asked that no contracts with the Alliance be signed until the N.L.R.B. calls an election to determine the bargaining agency for the crafts claimed by both the Alliance and the Guild.

Wires were sent by U.S.T.G. to E. J. Mannix, Y. Frank Freeman, Walter Wanger, Mendel Silberberg and Joseph M. Schenck who comprise the special producers' labor committee. They read in part:

"We suggest that you can get real answers in these labor problems by speaking to your workers in Hollywood, and not to a man in a hotel room 3,000 miles away.

"We assure you that as representatives of a majority of your workers involved that we will meet with you at any time and present to you either publicly or privately all the facts available.

"We are certain that if the producers will stand firm and resist illegal threats of George Browne and his wrecking crew that democratic processes of a secret ballot election supervised by N.L.R.B. will bring lasting peace and decent working conditions to Hollywood."

Browne, now in New York, is reportedly keeping in touch with the local situation by long distance telephone.

Meanwhile, the executive council of the Screen Actors Guild was in session late today discussing the I.A.T.S.E. claim of jurisdiction over actors and the granting of a charter to A.F.A.

Film Exports Show Drop; Argentina Biggest Buyer

Preliminary figures for the first six months of 1939 for American exports of motion picture films, both negative and positive, show a decrease of 8,070,745 linear feet as compared with the first six months of 1938, according to data compiled by Nathan D. Golden, Chief of the Motion Picture Division of the Bureau of Foreign and Domestic Commerce.

During the first six months of 1939 a total of 79,402,568 linear feet of American negative and positive film, valued at $1,724,237 was exported to the markets of the world as compared with 97,473,313 linear feet with a value of $2,122,719 for the first six months of 1938.

Positive films for the first six months of 1939 totaled 75,734,690 linear feet with a value of $1,568,722 and negatives for this period totaled 3,667,878 linear feet valued at $155,515 as against 93,081,777 feet of positive film valued at $1,962,151 and negatives totaling 4,391,536 feet having a declared value of $160,568 during the same six-month period of 1938.

The five countries which were the largest importers of American films in point of footage for the first half of the year are Argentina, Brazil, United Kingdom, Mexico and France in the order named.

Sound reproducing exports decreased for the period, totaling $515,529 as compared with $800,091 for the first half of 1938. A slight increase is noted in the American exportation of standard 35mm. projectors.

Trade Chiefs Address 250 At Convention

(*Continued from page* 1)

eral, Federalsburg, Md.; Ted Barker, Fostoria, Ohio.

"Love Affair"—Gus Lampe and Harry Unterfort, Keith, Syracuse, N. Y.; George Bannan, VanWert, VanWert, O.; Milton Schosberg, Rialto, Glens Falls, N. Y.; Harold Lee, Babcock, Bath, N. Y.; Leon Shafer, Fox, Corning, N. Y.; Walter Powers, Strand, Oswego, N. Y.; Bob Anthony, Piqua, Piqua, O.; Fielding O'Kelly, Rialto, Amsterdam, N. Y.; Jerry Fower, Palace, Lockport, N. Y.; Nick Kauffman, Rialto, Little Falls, N. Y.



A.-Mike Vogel

"Prison Without Bars"—Lou Hart, Hippodrome, Gloversville; H. M. Addison, Olympic, Watertown, N. Y.; Bob Anthony, Miami, Piqua, O.; Harry Stear, Strand, Lexington, Ky.; Tom Whalen, Palace, Oneonta, N Y.; Arnold Rittenberg, Strand, Amsterdam, N. Y.; Abraham Cohen, Massena, Massena, N. Y.; Eddie May, Hippodrome, Corbin, Ky.; John Tucker, Monroe, Rochester.

Other speakers included Major Louis Lazar, Ohio and Kentucky zone manager, who asked the question, "What Is a Theatre Manager?" William Tubbert, by means of charts showing the extent of rural and urban patronage, showed how to analyze the territory served by any given theatre.

He praised newspapers as an advertising medium, particularly in rural areas where heralds and posters do not penetrate. Clint Young took up the topic, "Does Good Housekeeping Fill Seats?" and answered strongly in the affirmative. Just as a friend dislikes to go visiting at a home where things are topsy-turvy, not orderly and clean, so do patrons shy away instinctively from an untidy theatre, he contended.

Lew Hensler, Kentucky district manager, won applause with his definition of "Your Theatre's Place in the Community." No longer is the theater of the migratory tent type, he said, adding "nor does its manager wear checkered suits, talk in monosyllables, and flash imitation diamonds.

"The theatre has grown up and become respectable. It is as important a business as the glove factory, the bank or the newspaper and can be just as worthwhile and dignified."

Hensler urged managers to join civic clubs and take part in all civic activities.

Speakers paid tribute to J. Myer Schine, president, and Louis W. Schine, vice-president, of the circuit, one of the oldest and largest of independent theatre groups.

After other talks on insurance, games and various theatre problems the sessions recessed at about 6 P. M. and at 8 o'clock a dinner for the managers was served at the Hotel Johnston.

A-Mike Vogel, chairman of the Managers' Round Table of *Motion Picture Herald*, was principal speaker at a dinner served delegates at the Hotel Johnstown. He was introduced by Bob Hall, veteran actor, who was master of ceremonies.

Vogel answered many of the criticisms which have been made of tion, he declared, and that is to entertain, to bring happiness.

Commenting on the criticism of superlatives in advertising and publicity copy, Vogel declared that since patrons recognize these terms as commercial definitions of one kind of happiness or another, theatre men will continue to use them, and profitably, too."

A number of distribution executives from New York are already here and others are expected tomorrow and Thursday.

3 Flights Daily
NEW YORK
TO
LOS ANGELES
It's Cool All the Way!
THE PLAINSMAN
Lv. 7:10 A. M Ar. 12:29 A. M.
THE MERCURY
Lv. 5:10 P. M. Ar. 7:43 A. M.
THE SOUTHERNER
Lv. 10:10 P. M. Ar. 1:55 P. M.
Ask your travel agent or phone HAvemeyer 6-5000. Ticket offices: 45 Vanderbilt Ave. and Rockefeller Center at 18 W. 49th St.
AMERICAN AIRLINES Inc.

Purely Personal

LOU WEINBERG, Columbia circuit sales manager, leaves for Gloversville today to attend the Schine managers' convention. MAURICE BERGMAN, Columbia advertising and publicity director, and AL SHERMAN of BERGMAN'S staff, left yesterday to attend the meeting.

•

PAUL BENJAMIN, production manager for National Screen Service, has returned to his home following a two-week stay at the Mountainside Hospital with sciatica. He expects to report at work in another two weeks.

•

MORTON KRESNER, manager of the RKO Park Hill, Yonkers, has returned from a two-week vacaiton. TOM JOHNSON, who filled in during KRESNER'S absence, resumes duty at the RKO Strand, Yonkers.

•

CARROLL H. DUNNING of Hollywood, president of Dunningcolor Corp., is due tomorrow from England on the *Washington*.

•

RUTH GERBER of 20th Century-Fox booking department leaves for a two-week vacation Friday.

GROVER C. PARSONS, Republic's West Coast district head, left last night for his headquarters in San Francisco after sitting in on circuit deals.

•

W. RAY JOHNSTON, GEORGE WEST, JOSEPH MOSKOWITZ, WALTER READE, JR., EDDIE GOLDEN, WILLIAM MURRAY, LESTER HAMMEL, WILLIAM FITELSON, SAM CITRON, HARRY THOMAS, JOSEPH MALCOLM, OTTO PREMINGER at BOB GOLDSTEIN'S Tavern for lunch yesterday.

•

ERROL FLYNN and his father, PROF. THEODORE FLYNN, distinguished biologist of Belfast University, arrive tomorrow enroute to South America on an eight-week vacation trip.

•

SEYMOUR FLORIN has succeeded the late RICHARD GLEDHILL as upstate New York salesman for 20th Century-Fox. JOSEPH ST. CLAIR has taken over FLORIN'S territory in Long Island.

•

GEORGE RAFT and EDWARD G. ROBINSON sail today on the *Normandie* for vacations in Europe. ROBINSON is accompanied by his wife and son.

•

ARTHUR B. KRIM, associated with the law firm of Phillips and Nizer, has returned from a five-week vacation in Europe.

•

HARRY RICHMAN'S home at Beechhurst will be sold Sept. 9. It formerly was owned by ED GALLAGHER.

•

ORLANDO LOPEZ HIDALGO, owner of the Roxy and Rivoli Theatres in Havana, Cuba, is a visitor in the city.

•

GARSON KANIN, who is spending a few days here following his European trip, will leave for the coast on Saturday.

•

CARLYLE BLACKWELL, former film star, has joined Calvert Distillers in a special promotion capacity here.

•

ANDREW CHRISTENSEN, Irving Trust Co. representative in RKO, is vacationing.

•

MAX ROTHWELL, operator of Alvin, Guttenberg, has joined the Associated Theatres of New Jersey.

Atlas Report Shows Film Stock Holdings

Atlas Corp. holdings of film company stocks as of June 30 were revealed in a six-month operations report issued yesterday. Bonds held include $2,169,850 in principal amount of RKO 6 per cent debentures, 1941, represented by full-paid certificates, and valued on June 30 at $1,459,224, and $268,776 RKO 6 per cent debentures, 1941, valued at $180,751.

Preferred stocks include 4,300 shares of Paramount 6 per cent convertible cumulative, first, valued at $382,700, and 5,000 shares Paramount 6 per cent convertible cumulative, second, valued at $45,000. Common stocks include 310,412 shares of RKO, represented by full-paid certificates, valued at $504,419; 17,400 shares of RKO valued at $28,275; and 7,000 shares of General Theatres Equipment Corp. valued at $75,250.

SAG Expels Miss Tucker In AFA Fight

(*Continued from page* 1)

ecutive committee was set up to handle the emergency.

A.F.A. withdrew charges it had previously filed against the 4-A's because it is no longer a member of that body and offered to turn over its books to the A. F. of L. and pay expenses of an A. F. of L. audit.

Ben Bernie Joins AGVA

Fred Keating, former A.F.A. president, and Ben Bernie, of the A.F.A. council, joined forces with the new American Guild of Variety Artists.

Miss Tucker's expulsion from S.A.G. came after a board of directors meeting on the Coast. The expulsion, however, will not affect future appearances on the screen, as the S.A.G. contracts provide for only an 80 per cent closed shop for upper bracket players. Miss Tucker declared that she was "not in the least surprised at the vindictive attitude."

"Our first consideration is in the interests of our general membership," Miss Tucker declared, "and we are being extremely careful that no act on our part will result in putting the actor in the middle. If a few selfish individuals intend to try to hold their high-salaried offices by making the actor the goat, I am sure that they will rue the day."

In its letter to the A. F. of L., the 4-A stated that "if the actions of George E. Browne (I.A. president) and Sophie Tucker are condoned, then no jurisdiction recognized by the A. F. of L. is safe."

It is generally regarded in 4-A circles that unless the A. F. of L. acts to revoke the A.F.A. charter further affiliation by the 4-A with the A. F. of L. is futile.

Officials there contend that the A. F. of L. should protect the jurisdiction of international unions, and failing that, the 4-A should withdraw.

S.A.G. board asserted that it was prepared to go the limit for the 4-A. Advertisements were taken in Coast papers which said in part:

"Please do not blame members of the Stagehands Unions nor actors

(*Continued on page* 11)

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'Fiddle' Wins Biggest Yield At Cleveland

CLEVELAND, Aug. 1.—"Second Fiddle" at Warners' Hippodrome last week was first in business. It increased gross to $12,000, which is very good summer business. It moves into the Allen for another week downtown.

"On Borrowed Time" at Loew's State was also a pleasure with $11,000 for the week, warranting a move-over to Loew's Stillman.

"Daughters Courageous" held up strong in its third week downtown, two weeks at Warners' Hippodrome and the third at the Allen. The take was $4,200, which is $200 over par.

"Hell's Kitchen" was a surprise picture at the RKO Palace. It did excellent business the last three days of last week and was held over this entire week, marking up $7,500 in seven days, which is good business. "Maizie" chalked up $4,000 at Loew's Stillman on a move-over from Loew's State.

Week-end weather was cool, accounting for good grosses, but turned to excessive heat in the middle of the week. Average competition prevailed.

First run business was $38,700. Average is $36,000.

Estimated takings for the week ending July 28:

"Daughters Courageous" (W. B.)
ALLEN—(3,000) (30c-35c-42c) 7 days, 3rd week. Gross: $4,200. (Average, $4,000)
"Second Fiddle" (20th-Fox)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $12,000. (Average, $10,000)
"Hell's Kitchen" (W. B.)
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $7,500. (Average, $8,000)
"On Borrowed Time" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $11,000. (Average, $10,000)
"Maizie" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $4,000. (Average, $5,000)

'Hardy' Takes Strong $13,500 in Providence

PROVIDENCE, Aug. 1.—Loew's State with "Andy Hardy Gets Spring Fever" and "Clouds Over Europe" took in a healthy $13,500 to lead the town, a good second best being the Majestic's "Daughters Courageous" and "Code of the Secret Service" which accounted for $8,000.

Total first run business was $27,000. Average is $27,500.

Estimated takings for the week ending July 26-27:

"Andy Hardy Gets Spring Fever" (M-G-M)
"Clouds Over Europe" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $13,500. (Average, $11,000)
"Daughters Courageous" (W. B.)
"Code of the Secret Service" (W. B.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $8,000. (Average, $7,000)
"Backdoor to Heaven" (Para.)
"She Married a Cop" (Rep.)
STRAND — (2,100) (25c-35c-50c) 7 days. Gross: $3,500. (Average, $6,000)
"Second Fiddle" (20th-Fox)
"Mr. Moto Takes a Vacation" (20th-Fox)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $2,000. (Average, $3,500)

Playhouse to Leave

"Knickerbocker Playhouse," series produced by the Kastor agency, is reported to be leaving the air at the conclusion of its present contract. The series is broadcast over CBS on Wednesdays. Erroll Flynn will appear as the guest player in this week's broadcast.

Theatre, Personnel Notes

Gets Civic Auditorium Post

SEATTLE, Aug. 1.—Lawrence Wicklund, business agent for Theatre Employes' Local B-22, has accepted an appointment as assistant manager of Seattle's Civic Auditorium, effective Aug. 10. He was formerly manager of the Metropolitan theatre, legitimate house. George T. Hood, treasurer of the theater union, will replace Wicklund until the group's board can act upon the latter's resignation.

Another Seattle Exchange

SEATTLE, Aug. 1. — Another exchange was added to Seattle's film row this week when Wayne Christie opened the Premiere Pictures branch at 2417 Second Ave. This will be the fifth unit in the Premiere state rights circuit, which now includes Los Angeles, San Francisco, Salt Lake City and Denver.

Leases Florida House

BOWING GREEN, Fla., Aug. 1.—William Cliett reported that he has leased his theatre building to a theatre operator who has several theatres and has been in the business for a number of years. The lease is dated from next Nov. 1 and is made for five years.

Remodeling Orlando's Rialto

ORLANDO, Fla., Aug. 1. — The Rialto Theatre of Orlando today started to undergo complete remodeling. Vernon Hunter is city manager of the Sparks Theatres in Orlando. For the six-week period that the Rialto will close, Harry Vincent, manager, will move the staff down to the Roxy where the same policy of picture booking will be continued. The two stores on either side of the theatre will be taken into the playhouse and made into modern ladies' and men's lounge rooms; the outer lobby will be completely redecorated, and the second floor radically changed. A balcony seating 125 persons, will be an addition to the present auditorium.

Settos Personnel Changes

INDIANAPOLIS, Aug. 1. — George Settos announces the following personnel changes in his circuit: Philip Davidson, formerly manager of the Grove, Beech Grove, transferred to the Irving, Indianapolis neighborhood; Richard Nieman advanced to manager of the Ohio, downtown subsequent run, with Harold Fleming succeeding him as assistant manager.

Heads Theatre Corporation

CINCINNATI, Aug. 1. — Maurice White is president of the High Street Theatre Corporation, just organized to operate the former RKO Majestic in Columbus. He is associated with Ike and Abe Libson here in the control of a number of circuits, with approximately 30 houses in Ohio and Kentucky.

Takes Over Columbus House

COLUMBUS, O., Aug. 1.—The newly-organized High Street Theatre Corporation has taken over the 1,000-seat Majestic in the heart of the business sector here, which was operated as a first run by RKO until the house was closed a few weeks ago. Reopening is scheduled for mid-August, with a subsequent run policy. W. C. Bozman, former manager, has resigned from RKO to take charge for the new owners. RKO still has the Palace and Grand, first runs here, in opposition to Loew's Ohio and Broad.

K. C.'s Orpheum to Reopen

KANSAS CITY, Aug. 1.—The RKO Orpheum, downtown first run which closed late this Spring for the Summer, will reopen August 18 with "Bachelor Mother." The manager has not been announced.

New Front for Iowa House

DECORAH, Ia., Aug. 1. — A new front will be installed on the Lyric theatre here it was announced today by H. E. Engbertson, who recently purchased the house. The new front will be of cream color trimmed in red. A new sign will also be installed with the theatre's name in neon.

New Michigan Theatre

CHARLOTTE, Mich., Aug. 1.—The "B" theatre is a new house being built for Cash R. Beechler, owner of the Eaton theatre here. It will seat 325, will be air-conditioned and will cost approximately $10,000.

Takes Marinette, Wis., Post

CALUMET, Mich., Aug. 1. — Nick Rajacic, formerly manager of the Peoples theatre, leaves next week for Marinette, Wis., to manage the Fox-Marinette theatre there. Kenneth Zurcher of Hancock succeeds Rajacic at the Peoples theatre.

Lousville House Opens

LOUISVILLE, Ill., Aug. 1.—The new Louise theatre opened here Saturday. It seats 250.

Building New Pana, Ill., Theatre

HERRICK, Ill., Aug. 1.—Excavating for the new Tanner theatre in Pana got underway this week. Harry Riley & Co., is doing the construction work. The house will seat 300.

Theatre to Add 75 Seats

MILFORD, Ill., Aug. 1.—Seventy-five more seats will be added to the Milford theatre this summer, according to Manager Clyde Ritenour. The theatre will not be closed during the alterations which will call for a raising of the floor and shortening of the lobby space.

Soundproof Roof for Noisy Babies

OSHKOSH, Wis., Aug. 1.—The K. & H. Amusement Co. here has opened the Mode, new 500-seat house. Modern throughout, the theatre is equipped with a soundproof room on the second floor where mothers can retire with noisy youngsters and watch the screen without disturbing others.

Brennan, Norton Transferred

KENOSHA, Wis., Aug. 1.—E. R. Brennan, formerly manager of Standard Theatres' Orpheum, Green Bay, has been named manager of the circuit's Kenosha here, succeeding Foster Norton, who has been transferred to the Strand in Oshkosh.

82% of Irish Film Imports From U.S.A.

WASHINGTON, Aug. 1.—Of a total of 1,506 films imported into Ireland during 1938, 82 per cent were American, 17 per cent British and the remaining one per cent made up of one French and three German films, according to a report issued today by the Bureau of Foreign and Domestic Commerce of the U. S. Department of Commerce. Total of $306,500 was paid for customs duties.

Imports of exposed positive films totaled 7,873,100 feet in 1938 as against 8,241,500 in 1937. There are approximately 200 film houses, of which five were constructed and opened in 1938, with a seating capacity of 120,000. Admission prices range from eight to 60 cents.

Film censors rejected 23 films and cut 110. Appeal Board confirmed rejections in nine cases, reversed five and passed five with cuts. There were 18 absolute rejections in 1938 as compared with 14 in the previous year.

Almost all films are booked on a percentage basis, with distribution done by seven American companies, four British and three independent film centers. Seventy per cent of the 200 houses use American projectors while the remainder use British and German projectors.

For sound equipment, Americans furnish 85 per cent. There are two production units in Ireland and Irish newsreels are produced there. There are no quotas or other restrictions in Ireland.

London Notes

LONDON, Aug. 1.—A private bill is to be introduced in Commons this week to compel distributors to release newsreels generally and not confine them to film theatres.

Lieut. Commander Fletcher, Labor member, in Commons debate, accused newsreel companies of "pandering to the exhibitor monopoly" by refusing to supply outside companies.

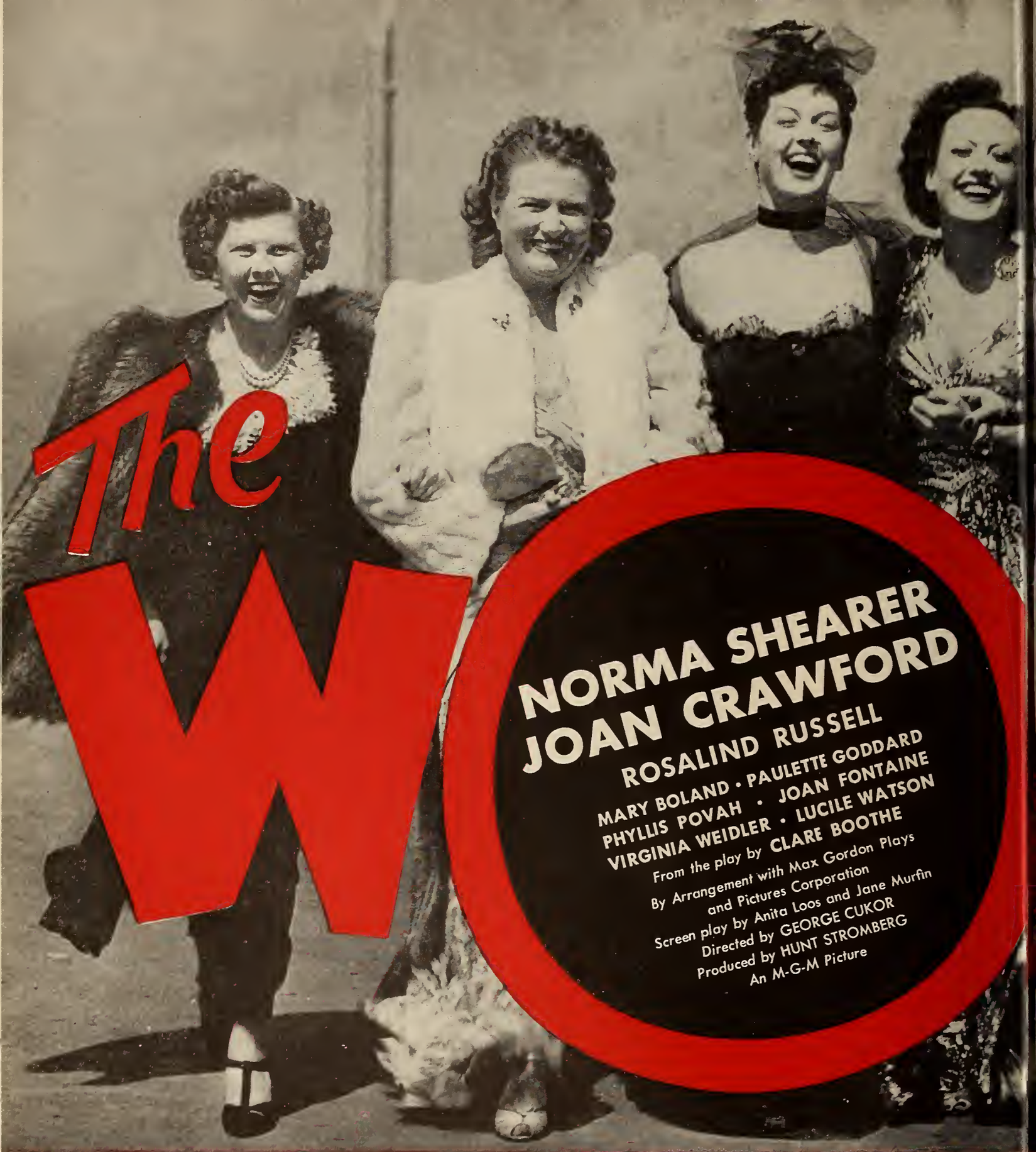
Further allegations of Government and party interference with news and other films was made in debate in Commons on ministry information.

It is reported that the British Board of Film Censors recently advised a producer that it would be politically inadvisable to make a film based on the Nazi occupation of Vienna.

Sir Samuel Hoare said the Government has already been assured by the industry of an adequate film supply in event of war. He said it probably would be necessary at first to close all theatres in event of air raids.

Morning matinees exclusively devoted to pictures of the visit of the King and Queen to Canada and the United States, have been running at the Curzon Theatre, Brighton, since June 26 last.

So sustained is the interest in the films that Kenneth Nyman plans to continue the shows until the end of August at least.



HOW TO START THE

M-G-M's winning streak electrifies the industry. "ANDY HARDY GETS SPRING FEVER", "LADY OF THE TROPICS" "WIZARD OF OZ" a few among M-G-M's Multi-Million Dollar Summer Life-Savers! And here's how our New Season starts!



SEASON OF 1939-40!

The opening gun from M-G-M is sensational! On September 1st comes the smash attraction "THE WOMEN", already the talk of the West Coast and just the first of a flock of New Season Hits! Friendly Company indeed!

Cleveland Trade Notes

Closes Product Deals

CLEVELAND, Aug. 1.—Bart Stearn, United Artist district manager, announces that he has closed 1939-40 product deals with Affiliated Circuit of Indianapolis involving 20 theatres, Mallers Circuit of Indianapolis involving five theatres, Rembusch Circuit, Indianapolis, involving three theatres, Dolle Circuit covering six situations in Indianapolis, Scott Circuit of Pittsburgh covering 12 houses, the Shea circuit in Buffalo, the Chris Velas houses involving five in Ohio and two in Pittsburgh.

Harringtons Vacationing

Philip Harrington, M-G-M office manager, and Mrs. Harrington, have left for a vacation in Canada.

Nat Levy in City

Nat Levy, RKO district manager, arrived from Detroit to go over local contract situations and to take in the annual Variety Golf Tournament.

Reg Wilson in Cleveland

Reg Wilson, assistant to Monogram general sales manager, is spending the week in this territory.

J. G. Dietjen Dead

John G. Dietjen, owner of the Royal Theatre at Akron, who developed peritonitis following an operation for appendicitis, died Sunday. Burial was made today.

Summer Slump Breaks

Business picked up all along the line here because of a cool weekend. Exhibitors both in Cleveland and surrounding towns report a definite break in the Summer slump.

Plans September Air Races

Roscoe Turner arrives here Saturday to work out a program for the National Air Races which take place here in September.

300 in Variety Club Tourney

More than 300 guests attended the annual Variety Club golf tournament, establishing the largest attendance of any previous outing, with honors for its success going to "Duke" Clark, Paramount branch manager and general chairman in charge of arrangements.

Lowest gross score was held by Manny Landers, orchestra leader. M. B. Horwitz, general manager of the Washington circuit, held the low net.

Artists Lose Ruling On Commissions

A ruling has been handed down by the American Arbitration Association, it has been learned, affording NBC the right to deduct commissions from artists' minimum salaries established by the AFRA pact with the networks.

AFRA had opposed NBC's artists bureau efforts to deduct commissions from the salaries of artists drawing minimum rates, and sought the ruling. There is a report that the radio union may appeal the ruling.

In the absence of AFRA officials, all of whom are in Chicago, no definite news in the situation is obtainable here.

Hollywood Review

"Elsa Maxwell's Hotel for Women"

(Twentieth Century-Fox)

HOLLYWOOD, Aug. 1.—People should be happily talking about lots of things after they have seen "Elsa Maxwell's Hotel for Women." Among the remarks that undoubtedly will be heard should be favorable comments anent the smartly clever and modern, yet down-to-earth, screenplay which Kathryn Scola and Darrell Ware evolved from the Elsa Maxwell-Kathryn Scola original, and they can talk for hours about its engaging situations and its modern dialogue. They won't be able to ignore the lavish production quality, which associate producer Raymond Griffith engineered, for every frame of the film bespeaks charm and glamor. In eagerness to chat about other things, they may overlook a work they did not see and it may be that only the technicians will recognize the skill and finesse with which director Gregory Ratoff managed his literary, production and personal materials.

It does not seem possible that anyone will fail to applaud Ann Sothern, Lynn Bari, James Ellison, Jean Rogers, Elsa Maxwell, Joyce Compton, John Halliday, Alan Dinehart, Sidney Blackmer, Barnett Parker, Gregory Gaye and Ivan Lebedeff and many others. And there should be a unanimity of opinion that Darryl F. Zanuck, who is always on the lookout for fresh new faces, has uncovered a potential new star in Linda Darnell. There was no applause at all when she first came on the screen, for it was only the insiders who knew her and they remained silent. But she caught on almost immediately and many complimented her after the show was over.

The diamond that is this story has many shining facets, but the one gleaming brightest is Miss Darnell. She plays the role of an up-state girl who comes to New York, is jilted by the man she loves, Ellison, becomes associated with a lot of girls living in "Hotel for Women" only and, by a lucky break, becomes the city's most sought after photographers' model. Venturesome, yet shrewd and wise beyond her years, she plays cat and mouse with the boy who threw her down and involves herself with rich and suave Halliday. She only wants to make the boy she loves jealous, but he fires the jealousy of Miss Bari, Halliday's latest ex-flame, who has a gun and uses it. There's a scandal and nobody wants to use the girl's face to advertise his products. Linda's career ends happily, for Ellison wants to take her back to Syracuse as his wife.

The story, production, principals and the promising new personality are the things people will be talking about after they have seen the show. It seems, wise that exhibitor-showmen should recognize them in advance and capitalize upon them.

Running time, 80 minutes. "G." G. McC.

"G" denotes general classification.

Deny Injunction to Jones Color Patent

LOS ANGELES, Aug. 1.—Federal Judge William S. James yesterday denied the application of Tri-Color Corp. for an injunction and damages against Technicolor for alleged infringement of the Charles F. Jones patent pertaining to a color photography process and apparatus.

The decision is regarded in Hollywood as of major significance in the color photography field, as many court actions based on conflicting patent claims are understood to have been held in abeyance pending a decision in the Tri-Color case.

The suit set up broad claims that the Jones patent covered duplex camera work and the use of two negative films exposed simultaneously with a color filter and mirror splitting beam to produce effective color in a single positive. The decision pronounced these claims invalid due to prior use of the methods.

Narrow claims pertaining to the use of a mirror to achieve right angle photography were held valid as of the specific device described in the suit but the decision found these claims had not been infringed by Technicolor. Beam-splitting, use of color filters and front-to-front printing have a long record of previous practice in photographic art, the court held, with such use pre-dating the Jones patent.

Title Changes

"My Love for Yours" has been definitely set as title for Paramount film formerly known as "My Love for You," "Are Husbands Necessary?" "Free Woman" and "A Love Story."

"Konga, the Wild Stallion" has been chosen by Columbia as the final title for the story previously titled "Konga," which the company recently started screening with Fred Stone in the lead.

Jane Withers' latest picture, "Tin Hats," will be released under the title "We're in the Army Now," Twentieth Century-Fox decided yesterday.

Warner Brothers has changed the film formerly titled "Lady Detective" to "Lady Dick," in which Jane Wyman plays her first starring role.

Sally Eilers on Stage

SCHENECTADY, N. Y., Aug. 1.—Sally Eilers, RKO player, made her stage debut here in the leading role of "The College Widow," which enjoyed a week's run at the Mohawk Drama Festival on Union College campus.

Texas Trade Notes

Manages Two Houses

EDINBURGH, Texas, Aug. 1.—Dave Molder is acting as manager of the Aztec and Valley here for the late Mrs. Velma Montague.

Theatre to Modernize

BRECKENRIDGE—The National, operated by Texas Consolidated Theatres, will install new equipment and modernize before the Fall. Bill Smith is manager here.

Booth Catches Fire

LUBBOCK—The Arcadia's booth caught fire, causing slight damage. The patrons were well-handled by the staff. The co-owner is W. O. Bearden.

500-Seater Opens Sept. 1

WOODVILLE—J. W. Fain is building and opens a 500-seater on Sept. 1. The features are upholstered seats, butane gas, and air-conditioning.

Remodeled, Gets New Name

VAN ALSTYNE—Lutzer Bros., owners of the Aztec here, remodeled the house, calling it the New Aztec.

Britain Weighs Studio War Use

LONDON, Aug. 1.—Following appeals in Parliament to prevent complete closing of studios in event of war, Oliver Stanley, president of the Board of Trade, said that an approach is being made to an agreement on use and functions of the studios in wartime.

Stanley said the industry could not hope to be unaffected.

The question of the restriction of newsreels' distribution to exhibitors was raised in Commons twice today. Interrogated by Lieut. Commander Fletcher, Labor member, Stanley replied there is no reason to question existing arrangements on production of newsreels and that the Government has no intention or power to intervene in their distribution. Fletcher suggested an inquiry on both points.

Bill of Sir Ernest Graham Littles to regulate newsreels and prevent alleged distribution "monopoly" was formally read for the first time. Members' consensus is that the bill will be given a polite but emphatic "cold shoulder."

'Maisie' Proves Big Hit at Indianapolis

INDIANAPOLIS, Aug. 1.—"Maisie," paired with "Stronger Than Desire," was a smash for Loew's with a $9,300 take. "Unexpected Father" and "Ex-Champ" brought the Apollo an excellent $3,500.

Estimated takings for the week ending July 28:

"Unexpected Father" (Univ.)
"Ex-Champ" (Univ.)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $3,500. (Average, $2,500)

"Second Fiddle" (20th-Fox)
"It Could Happen to You" (20th-Fox)
CIRCLE—(2,800) (25c-40c) 7 days, 2nd week. Gross: $4,500. (Average, $5,500)

"Maisie" (M-G-M)
"Stronger Than Desire" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $9,300. (Average, $7,000)

Newsreel Parade

Conflict in China and an array of run-of-the-mill events comprise the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 93—Far East crisis. Russian-Japanese "mystery war." Freckle face contest. The Pope at summer residence. Rodeo at Cheyenne. Fashions. Lew Lehr. Saratoga track opens. Jack Dempsey on vacation. A.A.U. meet in Des Moines.

NEWS OF THE DAY, No. 291—French fleet maneuvers. Japs continue Tientsin blockade. Guerrilla warfare in North China. The Pope at Castel Gandolfo. Army air maneuvers. Search for Cinderella at Frisco Fair. Garden Party for Queen Elizabeth. Freckle contest in Pennsylvania. Motor cycle race in England. Jack Dempsey at Bear Mountain. A.A.U. meet.

PARAMOUNT NEWS, No. 104—Diamond Jubilee at Saratoga. Demonstrations against U. S. and Britain in China. Golf tournament in Baltimore. International Poultry Congress meets. Pie eating contest in Toronto. Auto workers strike in Cleveland.

RKO PATHE NEWS, No. 4—Army air force celebrates birthday. Last of Mayo brothers dies. British army chief in Poland. New trains on Chicago-New York run. Irene Castle dances again. Set outboard motor boat record. Steel worker wins golf tournament.

UNIVERSAL NEWSREEL, No. 793—Blockade at Tientsin. Polish troop maneuvers. Pope Pius at summer home. Modern Cinderella contest. Auto race. Rodeo. Davey O'Brien joins Eagles. Horse racing at Arlington.

National Theatres, Republic Sign Deal

Republic yesterday signed a 1939-'40 product deal with National Theatres for San Francisco, Los Angeles, Denver, Salt Lake City, Seattle and Portland territories.

This makes the fifth year that the circuit has bought Republic pictures. A deal for the Kansas City division of the circuit is under way and will be closed here shortly.

James R. Grainger, president, and Grover C. Parsons, West Coast district manager, represented Republic, and William T. Powers, chief film buyer, and George Balsdon represented National Theatres.

Theatres Damaged By Chicago Fires

CHICAGO, Aug. 1.—Two theatre fires broke out here Monday, but with little damage. The B. & K. Southtown theatre lost 50 ushers' uniforms when a fire broke out in the locker room. The 750 patrons in the theatre caused no panic.

The Woods theatre in the Loop suffered $20 damage when defective wiring caused one of the outdoor signs to catch fire. Patrons in the theatre were unaware of the blaze.

New Spanish Firm

Selecciones Hispanas, Inc., has been incorporated in New York to conduct a Spanish-American film distributing business. The company will handle the product of Cecimil Productions of Manila, producers of Spanish language features. "La Dulce Mestiza" is ready for release.

Davidson Joins Compton

Craig Davidson, recently with Jam Handy Pictures and also with General Foods Corp., joined the Compton agency yesterday in an executive capacity.

Hollywood Review

"The Old Maid"

(Warner)

HOLLYWOOD, Aug. 1.—If "The Old Maid" is to receive the public reception to which its merits as a literary composition, prestige as a Pulitzer Prize winning play and value as a finely wrought production entitle it, showmen must be prepared to do a heroic exploitation job. It is an exceptional picture; unquestionably one of the most impressive features to have been made by any studio this year.

In nature this is a problem play. It treats a delicate subject in a dignified way and with good taste. Finely acted, directed and staged, this Warner presentation is of that character that provokes serious consideration when it comes time to make the annual merit awards. It may happen that "The Old Maid" will be a candidate for several honors, but the exhibitors' immediate problem is the devising of ways and means now whereby the public may be convinced that it is necessary that they see the show during the time it is in general release.

To meet the first exploitation requirement, "The Old Maid" offers a carefully selected name cast which is headed by Bette Davis, Miriam Hopkins, George Brent, Donald Crisp, Jane Bryan and James Stephenson with Louise Fazenda, William Lundigan, Cecilia Loftus, Rand Brooks, Janet Shaw and DeWolf Hopper also important in plot development. A second showmanship consideration is the fact that the production is based on a novel by Edith Wharton, the Zoe Akins Pulitzer Prize play on which Casey Robinson founded his screen play and that it was directed by Edmund Goulding, among whose ranking accomplishments are such pictures as "Dark Victory," "White Banners," "The Flame Within" and "Riptide."

Primary appeal is to serious minded adults—especially women—for in essence "The Old Maid" is a story of frustrated mother love. Denied normal natural relationship with her child which was born out of wedlock, Miss Davis sees her calculating sister, Miss Hopkins, aspire to and attain all the things in life—marriage, children, social position and wealth—which are the hopes of all women. But the worst blow she must endure is to see the child consider and call Miss Hopkins her mother, while she is regarded as an old maid aunt. Disappointed, disillusioned, she bears her cross of tragedy bravely until she fears that her daughter, Miss Bryan, whose birth is the secret of two sisters, may, in the throes of warm love, repeat her mother's misstep. But when the girl's whole future is in the balance, Miss Davis makes the sacrifice of permitting Miss Hopkins legally to adopt Miss Bryan so that she may have a name and position whereby she may marry honorably. Her reward for years of sorrow is the kiss of a bride who never was to know she was kissing her mother.

The entire treatment of the piece is soberly serious; there's no occasion for a smile in it. Never does it give occasion for any spontaneous emotional or physical reactions. Consequently it is not what is generally termed a mass audience attraction. Yet the particular audience which witnessed the preview applauded it loudly.

Running time, 93 minutes. "A."

G. McC.

"A" denotes adult classification.

'Hardy,' 'Dr. Kildare' Are Best in Omaha

OMAHA, Aug. 1.—"Andy Hardy Gets Spring Fever" gets the week's business with a dandy $8,700 at the Omaha.

"Calling Dr. Kildare" was good for $8,100 at the Orpheum.

Estimated takings for the week ending July 26-27:

"Daughters Courageous" (F. N.)
"Code of the Secret Service" (F. N.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days, 2nd week. Gross: $4,400. (Average, $4,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
"Prison Without Bars" (U. A.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $8,700. (Average, $6,000)
"Calling Dr. Kildare" (M-G-M)
"Tell No Tales" (M-G-M)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $8,100. (Average, $7,600)

Television Displays

SAN FRANCISCO, Aug. 1.—Following up its recent successful window displays, showing all stages of television broadcasting, NBC here is now installing similar windows in music stores in Oakland. Feature of each display is an iconoscope tube.

Say Arnold Prefers Trust Suits to Yale

WASHINGTON, Aug. 1.—Associates of Thurman Arnold denied today that the Assistant Attorney General is planning to retire from the Government service to resume teaching activities at Yale.

Any change of plan that Arnold may have made is understood to be due to his determination to make a finish fight on the three anti-trust suits on which the Government suffered defeats during the past month. The head of the anti-trust division is represented by his colleagues as a tenacious fighter, unwilling to concede that the department cannot win its cases.

New 'Ecstasy' Ban

PAWTUCKET, R. I., Aug. 1.—On the grounds that it is "sensuous, detrimental to the morality of youth and saturated with immorality," the foreign-made "Ecstasy" was banned by Public Safety Director Harry F. Curvin. The picture was scheduled to begin a week's engagement at the Capitol here today.

On Chicago Film Row

CHICAGO, Aug. 1.—"Mad Youth," a thrill picture handled by Abe Teitel, plays first run in the Loop at the Clark theatre. It allegedly exposes the "escort racket." Fred Mindin is handling promotion on the film. Jones, Linick & Schaeffer operate the house.

"Stanley & Livingstone" goes into the Chicago theatre Aug. 11. "Good Girls Go To Paris" is now current there, having been booked in with Rudy Vallee when it was discovered "Each Dawn I Die" was such a strong boxoffice hit. The Cagney-Raft picture was originally slated for the week Vallee played the Chicago.

Errol Flynn flew into Chicago today for a radio performance on the final broadcast of "Knickerbocker Holiday."

Randolph Scott took an airliner to Los Angeles Monday night after spending the weekend visiting his fiancee, Miss Eleonore Thompson, Chicago heiress.

Trust Suit Accuses Brooklyn Theatre

An anti-trust suit against Century Circuit, an independent, was filed in state Supreme Court here yesterday by Mobeel Enterprises, Inc.

Plaintiff operates the Glenwood, in Brooklyn, and alleges in the complaint that five distributors gave preferential treatment to the defendant circuit. The charge is made that Century opened the New College in the same competitive area with the Glenwood and the new house was able to obtain better runs on product of RKO, Warners, Loew's, United Artists and Paramount than the older theatre.

Ohio Censors' Cuts At Three-Year Low

COLUMBUS, Aug. 1.—Only nine eliminations were ordered by the Ohio censors out of a total of 452 reels reviewed in July. This is the smallest number of eliminations in any one month for three years.

There were 36 eliminations from 500 reels reviewed in June, during which 12 reels were rejected. Figures for July, 1938, were 349 reels and 24 eliminations.

Eddie Cantor Sued

HOLLYWOOD, Aug. 1. — Suit for $751,000 damages has been filed against Eddie Cantor, Reynolds Tobacco Co. and CBS by Charles Gollob and his wife, Elsie. Plaintiffs allege they were assaulted by attendants when they attempted to leave the broadcast studio on March 27 after refusing to remain for an after-broadcast program.

Morrison-Curtis Merge

Leo Morrison and Jack Curtis will combine their New York offices with Curtis taking charge of the new unit here, which will be established in Morrison's present New York headquarters. He will come here from the coast next week to establish the new Morrison-Curtis activities.

Clear and Sim

The very same company that made
now **betters it wit**

"DAUGHTERS COU

(John Garfield, Claude Rains, Donald Crisp, and The "Four Daughters"—Priscilla Lane, Rosemary Lane, Lola Lane, Gale Page—Jeffrey

The very same company that made 'Ang
now **betters it wit**

"EACH DAWN

(James Cagney, George Raft, Jane Bryan, George Bancroft)

The great stud

WARNER B

Never better tha

Jack L. Warner *in Charge of Production* Hal B. Wallis *Executive Pro*

ple:

ur Daughters'

AGEOUS"

Bainter, May Robson, Frank McHugh, Dick Foran)

s with Dirty Faces'

DIE"

lo of

ROS.

n Now!

They're all finished or actually in work!

Coming!
THE OLD MAID
(Bette Davis, Miriam Hopkins, George Brent, Donald Crisp)

Coming!
DUST BE MY DESTINY
(John Garfield, Priscilla Lane, Alan Hale)

Coming!
ON YOUR TOES
(Zorina, Eddie Albert, Alan Hale, Frank McHugh, James Gleason. From the Rodgers and Hart stage hit)

Coming!
THE ANGELS WASH THEIR FACES
("Dead End" Kids, Ann Sheridan, Ronald Reagan)

Coming!
THE FIGHTING 69TH
(James Cagney, George Brent, Pat O'Brien)

Coming!
PRIVATE LIVES of ELIZABETH AND ESSEX
(Bette Davis, Errol Flynn, Olivia de Havilland, Donald Crisp, Alan Hale, Vincent Price)

Coming!
A CHILD IS BORN
(Geraldine Fitzgerald, Jeffrey Lynn, Gladys George, Gale Page, Spring Byington)

Coming!
THE ROARING TWENTIES
(James Cagney, Priscilla Lane, Humphrey Bogart, Gladys George, Jeffrey Lynn. Story by Mark Hellinger)

Coming!
20,000 YEARS IN SING SING
(John Garfield, Ann Sheridan, Pat O'Brien, Burgess Meredith)

Coming!
THE SEA HAWK
(Errol Flynn, Olivia de Havilland, Alan Hale)

Coming!
THE SPIRIT OF KNUTE ROCKNE
(With one of the biggest casts of all time, headed for the outstanding success in the history of Warner Bros.)

Coming!
CAREER MAN
(Joel McCrea, Brenda Marshall, Jeffrey Lynn, George Bancroft)

Coming!
THE STORY OF DR. EHRLICH
(Edward G. Robinson)

Coming!
THE DEAD END KIDS AT MILITARY SCHOOL

Coming!
WE ARE NOT ALONE
(Paul Muni, Dolly Haas, Flora Robson. By the author of 'Goodbye, Mr. Chips,' James Hilton)

Coming!
AND IT ALL CAME TRUE
(James Stewart, Ann Sheridan, Humphrey Bogart)

Coming!
THE PATENT LEATHER KID
(George Raft, Priscilla Lane)

Coming!
FOUR WIVES
(With "The Four Daughters", Claude Rains, Jeffrey Lynn, May Robson, Dick Foran, Frank McHugh)

Coming!
BROTHER RAT AND A BABY
(By the authors of the sensational stage show. Eddie Albert, and the same great BROTHER RAT cast.)



TRUE STORIES FROM ALTEC FILES



WM. L. LYDSTON
Manager,
Bristol Theatre,
Bristol, N. H.

Finds Fan Turning Backward; Stops Patron Walkouts

BRISTOL, N. H.—"It was a hot midsummer night. Despite the fact we have a modern pressure ventilator, the air in the theatre was stifling," said William L. Lydston, manager of the Bristol Theatre here. "I had eight walkouts during the evening and had called Boston for a ventilation engineer.

"When our Altec man, F. A. Brown, called at the theatre, I told him my troubles.

"After checking the ducts and dampers, Brown crawled into the fan room. A few minutes later, the cool air began pouring into the theatre, and the system has worked perfectly ever since.

"Brown explained that he found the fans turning in the wrong direction—someone must have changed the leads—and that he had our electrician reverse one leg of the 220 volt 3 phase supply, thus restoring proper rotation and blower speed.

"We were saved the expense of having a ventilation expert come up from Boston, and the theatre patrons were comfortable again. What our Altec man did was certainly 'service over and above the contract'."

• • •

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Short Subject Reviews

"March of Time, No. 13"
(RKO)

Activities of the cosmopolitan population of New York City come in for attention in the latest "March of Time" issue, "Metropolis—1939." Excluding the World's Fair, the camera takes a sightseeing trip through the city.

Principal object of attention is the city's police department which is viewed from the "inside." Commentary describes the city as the "greatest show on earth," and the roving camera proceeds from business areas to slum sections. Also shown are the insides of offices and homes.

The reel should hold the attention of any audience, including New York's. The commentary fails somewhat in identifying personalities and points of interest which may be unfamiliar to audiences outside the city but the emphasis on the living habits of New Yorkers makes the reel above average in interest. Running time, 18 mins.

"Hare-Um Scare-Um"
(Warners)

A "Merrie Melody" cartoon in color. John Sourpuss is outraged by a rise in the price of meat and sets out with his dog in search of game. They encounter "Bugs" Bunny, a screwy rabbit, who leads them a merry chase. Running time, seven minutes.

UA Disputes Folly Case Jurisdiction

Benjamin Pepper, attorney for United Artists Corp., contended at a hearing before Federal Judge Murray Hulbert yesterday on an application of United Artists to dismiss the $750,000 anti-trust suit of Folly Amusement Co. against the eight major companies, Monogram Distributing Co., Republic Pictures Corp. and Randforce Amusement Co., that the licensing of pictures to a neighbhorhood house was not interstate commerce and that the Federal court therefore had no jurisdiction of the suit.

At the same time, United Artists and the other defendants asked for an order directing the plantiff to file a detailed bill of particulars to its complaint. Judge Hulbert reserved decision on all applications and indicated an early ruling.

Suit charges conspiracy on the part of the defendants which allegedly forced the plaintiff to give up its Folly Theatre in Brooklyn through inability to secure product.

L. & J. Chiefs Coming

Arthur Lucas and William K. Jenkins, heads of the Lucas and Jenkins Circuit, are scheduled to arrive in New York next week to begin negotiations with Paramount officials on a new operating agreement for the 37 Georgia and Alabama houses affiliated with Paramount. Their five-year operating agreement for the houses expired a month ago. Renewal of the contract with only minor revisions is expected.

New York Review

"Mutiny on the Blackhawk"
(Universal)

With action following in fast sequence, this picture is like honey to fans who like this type of fare.

In a setting of the 1840's, the story has for its motivation the breaking up of the slave trade from the south Pacific Islands to our West Coast. There are all kinds of complications which gave the script writers opportunity to develop a theme of the winning of the west which becomes as important as the slave trade angle.

Richard Arlen and Andy Devine score as a militia captain and droll sailor, respectively. Arlen, as Capt. Bob Lawrence, is ordered to break up the slave racket and ships aboard the *Blackhawk* with a "live cargo" of Sandwich Island natives in its hold.

Arlen succeeds in capturing the ship, after many horrible adventures, and brings it to the California coast. Here he discovers a conflict between the Mexicans and the Americans at Fort Bailey in Mexican territory. The Mexican army is about to move in and take over, but Captain Lawrence and his army of South Sea Islanders save the day in one of the most furious battles ever put on celluloid. The Captain then fulfills his duty by returning the natives to their habitat while the slave runners get their deserts.

Noah Beery, as the ship captain, Constance Moore and all the rest handle their roles with finesse.

Christy Cabanne directed from a screenplay by Michael L. Simmons based on an idea by Ben Pivar, who was associate director. Camerawork by John Boyle is excellent.

Running time, 61 mins.

Hearing August 17 On Public Seating

WASHINGTON, Aug. 1.—The Federal Trade Commission tonight ordered a public hearing Aug. 17 on proposed revised trade practice rules submitted by the public seating industry.

The proposals of the industry, which includes the manufacturers of seats for theatres and auditoriums, cover the same ground as the original code adopted June 23, 1931, with the addition that the principles of the Robinson-Patman Act, since adopted, are accepted. The Robinson-Patman law prohibits price discriminations.

The new rules cover the usual points—misrepresentation of products, false or deceptive selling methods and unfair competition—which are dealt with in the codes voluntarily adopted by industries under Federal Trade Commission auspices.

Dominion Golfers In Films Tourney

TORONTO, Aug. 1.—The next big event on the calendar of the moving picture industry in the Dominion is the first annual golf tournament under auspices of the Toronto Board of Trade, Film Section, to be held at the Oakdale Golf Club, Weston, on Aug. 14. Entries close with E. H. Wells, treasurer, in a few days.

The chief prize is the handsome trophy presented for annual competition by President N. L. Nathanson of Famous Players Canadian Corp. A favorite shotmaker for the honors is Jack Arthur, manager of the Toronto Uptown, who with Ken. Craig of Cobourg, R. G. Darby of Toronto and R. McDon-McClelland of the Toronto Capitol battled it out for high honors in the FPCC golf event last week.

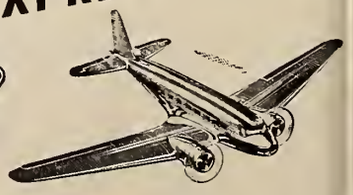


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SAG Expels Miss Tucker In AFA Fight

(Continued from page 2)

working in variety theatres. Neither of them have had one word to say about this strange transaction. . . . They (the I.A. and A.F.A.) have started a fight which we have no choice but to finish."

Executive committee named by the 4-A to handle the emergency includes Paul N. Turner, 4-A counsel, Florence Marston, S.A.G. Eastern representative, Henry Jaffe, counsel to the American Federation of Radio Artists, and Frank Gillmore, 4-A president.

Ralph Whitehead, A.F.A. executive secretary, reiterated yesterday that the A.F.A. would confine itself at present to the jurisdiction it held under its former 4-A charter. No action would be taken, he said, to embarass actors employed in the field by compelling them to sever their relations with the 4-A when working in other than variety fields, although the charter granted by the I.A. gives the A.F.A. jurisdiction over the entire entertainment field.

Funds granted by the I.A. will permit an intense unionization drive and motion picture presentation houses will be one of the points of attack, he said.

UA Officials Honor Arthur Silverstone

Arthur Silverstone, managing director for United Artists in Great Britain, who arrived in New York Monday, was tendered a welcome luncheon at Bob Goldstein's Tavern yesterday by Arthur Kelly, United Artists vice-president.

Present were Harry Gold, James Mulvey, Monroe Greenthal, Emanuel and Murray Silverstone, Al Margolies, James Mulvey, Morris Helprin, Lowell Calvert, J. J. Milstein, L. J. Schlaifer, Harry Kosiner, Thomas Walker. Also Lynn Farnol, William Schroeder, Walter Liebler, Sam Cohen, Paul Lazarus, Leonard Daly and Harry Buckley.

17 Managers Given Chicago B-K Prizes

CHICAGO, Aug. 1.—Stating that due to the special drive in the second quarter of this year, business had increased instead of decreased as usual, John Balaban today awarded seventeen managers cash prizes amounting to $2,800 plus a week's vacation with pay.

Seventy B. & K. officials and managers attended the luncheon meeting where awards were announced. Winners of $250 first prizes were Roy Bruder, Ambrose Conroy, Harry Odendhal, George Romine and William Briscoe.

Mason Flying Abroad

Frank E. Mason, NBC vice-president, will be aboard the Pan-America *Clipper* with Mrs. Mason when the ship departs today for Europe.

IA Likely to Grant Charter to TMAT

Negotiations of Theatrical Managers, Agents and Treasurers Union for affiliation with I. A. T. S. E. which have been pending for more than one year are expected to be successfully completed over the weekend.

George E. Browne, I. A. president, will confer with T. M. A. T. executives at Atlantic City over the weekend and an announcement of affiliation is expected to be made Sunday or Monday.

Browne has complete power, under the I. A. constitution, to issue charters to union groups. Besides consolidating present T. M. A. T. strength in the legitimate stage field by affiliation with the stagehands, the Motion Picture Division is expected to gain considerable strength by an alliance with the projectionists.

42 RKO Executives At Paris Convention

PARIS, Aug. 1.—RKO's Continental European sales convention opened at Hotel George V here yesterday with 42 delegates attending from Belgium, Holland, Portugal, Roumania, Spain, Sweden, Switzerland and France.

New season product was described by Reginald Armour, RKO Continental manager, at the opening day's session. A social program occupied the conventioneers last night and today's business sessions were given over to discussion of new short subjects.

Toronto Trade Notes

TORONTO, Aug. 1.—Arriving in Toronto on a business trip, J. M. Franklin of Halifax, N. S., president of the Franklin-Herschorn Theatres, announced he had just come from the opening of the seventh unit of his chain in the Maritime Provinces, this being the Community Theatre at Yarmouth, N. S., to which Al Foster has been appointed manager.

Mitchell Franklin, his son, has been appointed supervisor of theatres for the circuit after having managed various theatres of the group.

President Franklin was formerly Canadian special representative of RKO Theatres with headquarters in Toronto. He is proceeding to New York City from Toronto.

Formal announcement is made that Anna Neagle, British film actress, and Producer Herbert Wilcox will be among the guests of honor at the Canadian National Exhibition to be held at Toronto Aug. 25 to Sept. 9, their visit being timed with the release of "Nurse Edith Cavell" in the Dominion by RKO Distributing Corp. of Canada.

This is their second visit to Canada, the previous occasion having been in connection with the Canadian premiere of "Sixty Glorious Years" at the Toronto Hippodrome.

Best Wishes TO THE SCHINE CIRCUIT!

To the Managers, Branch Men, and to the entire Schine Organization, we extend sincere wishes for a successful, resultful convention in Gloversville. It has been our distinct pleasure and privilege to work with you in the seating of many Schine houses. Throughout these many years, we have genuinely appreciated your business; have admired the straightforwardness of your organization; and have respected you as alert, efficient showmen.

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"Monogram hits pay dirt in bonanza quantity" —*Motion Picture Daily*

"Best of the 'Wong' series" —*Film Daily*

"Fits easily into the top niche" —*Daily Variety*

Directed by WILLIAM NIGH
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VOL. 46. NO. 23 NEW YORK, THURSDAY, AUGUST 3, 1939 TEN CENTS

Film Actors Protest IA's Help to AFA

Mass Meeting Scheduled Sunday in Hollywood

Mass meeting of protest against the chartering of American Federation of Actors by the I.A.T.S.E. has been called for Sunday night in Hollywood by branches of Associated Actors and Artistes of America. Principal sponsors of the meeting are Screen Actors Guild, American Federation of Radio Artists, and Actors Equity. A large delegation of Hollywood stars will fly to Atlantic City for Monday's executive council meeting of the A. F. of L. to ask the council to revoke the I.A. charter granted to the A.F.A.

Referendum ballots will be mailed to the membership of the A.F.A. today, according to Ralph Whitehead, executive secretary, for approval of the A.F.A.'s joining forces with I.A. Text of the ballot was not revealed. The ballot will be sent to all members, including circus roustabouts who form a separate part of the A.F.A.

Meanwhile, the "Ferrets," minority group within the A.F.A., continued circulating petitions asking for a meeting to consider the I.A. affiliation. They claim almost 1,000 signatures and declare they will seek a court order if the meeting is not called. They had not been apprised of the decision for a referendum. Similarly, A.F.A. offices declared that they had no knowledge of the petition and declined

(*Continued on page* 21)

Independents Share In 50th Anniversary

A committee of independent producers and distributors has been organized to arrange for the participation of independent companies in the industry's 50th anniversary observance. Joseph Balaber of Screen Attractions has been named temporary chairman and temporary headquarters have been opened in the Film Center.

The independent companies will cooperate with the national committee of which Kenneth Clark of the M.P.P.D.A. is chairman. Members of the committee include Benjamin Kleinerman of Exhibitors Pictures; Mackay Stone, representing the visual education film field, and Herman Weinberg, representing importers and distributors of foreign films.

A drive to enlist the Eastern inde-

(*Continued on page* 2)

Paramount Shows Profit of $2,130,000 During Six Months

Paramount's net profit for the six months ended June 30 is estimated by the company at $2,130,000, after including $978,000 representing the company's share of undistributed earnings of partially owned, non-consolidated subsidiaries. Figure compares with net of $1,225,811 for the first half of 1938, which included $1,165,000 of undistributed earnings of subsidiaries.

Earnings for the second quarter, ended July 1, were estimated by the company yesterday at $830,000, which includes $300,000 of undistributed earnings of non-consolidated subsidiaries, and compares with a net of $394,945 for the corresponding quarter last year, after including $359,000 of undistributed earnings of subsidiaries.

After deducing $300,268 of dividends accrued for the quarter on the company's first and second preferred stock, the estimated earnings for the period are equal to 21 cents a share on the common, compared with earnings equivalent to four cents per share for the corresponding 1938 quarter. The earnings for the half year are equivalent to 62 cents per share on the common compared with 26 cents per share for the corresponding 1938 period.

Color Television Shown in London

Television in color has been successfully demonstrated in London by the Baird Television Corp., according to cable advice received here yesterday by Ian C. Javal, commercial director of the company.

The cable says that a color photograph of King George was televised before English newspapermen, and that it was viewed on a large screen in full color and with perfect definition. The cable quotes enthusiastic newspaper comment.

RKO Theatres Set Seven Reopenings

Reopening dates for seven of 12 RKO circuit houses closed early this summer have been set by John J. O'Connor, vice-president and general manager of the circuit.

First to relight will be the Palace, Chicago, on Aug. 11. The Palace is scheduled to resume combination vaudeville-film shows. Stage shows will also go into the New Boston, Boston, starting Sept. 1. This house did not close.

Other reopenings are the Albee, Providence, Aug. 17; Orpheum, Kansas City, Aug. 18; Alden, Jamaica,

(*Continued on page* 2)

20th-Fox Adds Television To Radio Ban for Players

GLOVERSVILLE, Aug. 2.—Players of 20th Century-Fox will be prevented from appearing on television as well as radio programs, Herman Wobber, general sales manager of the company, told the Schine Enterprises convention here today.

"Our company," said Wobber, "will do everything possible to keep stars that belong to films and that were made by motion pictures from appearing on radio and television programs.

"Personally," he continued, "I am strongly against their appearances on the air. The stars are yours, you helped make them, and they should remain yours."

Carl E. Milliken of the M. P. P. D. A., was principal speaker at a dinner at the Adirondack Inn tonight. He said that the public's esteem of films has improved tremendously in the past few years because of the industry's own efforts to bring about the improvement which has been shown.

Other speakers were Charles Coburn, director of the Mohawk Drama Festival; Jean Muir, Sally Eilers and Assemblyman Denton D. Lake.

James R. Grainger, Republic Pictures president, told of forthcoming films; Rodney Bush, 20th Century-Fox publicity chief, described the company's national promotion activities, and Lee Blumberg of Warners outlined the steps the companies are taking to pre-sell pictures, especially shorts.

Among other speakers were Leon Bamberger, RKO; J. J. Unger and Alec Moss, Paramount; Lou Weinberg, Columbia; E. W. Golden, Monogram; Charles Casanave, National Screen; Eddie McAvoy, RKO; Maurice Bergman, Columbia advertising and publicity director, and Lou Pollock of Universal.

SAG Officials IA 'Enemies', NLRB Hears

Bob Montgomery's Aid Charged by Saunders

LOS ANGELES, Aug. 2.—I.A.T.S.E. today filed an affidavit with the National Labor Relations Board, in which a former officer of the United Studio Technicians Guild makes the charge that several prominent members of Screen Actors Guild financed a publicity campaign which was conducted against I.A.T.S.E.

The affidavit also asserts that the U.S.T.G. is not financed by the C.I.O., as believed here, but by some other unidentified sources. Additionally, the charge is made that the rival union had only 25 paid-up members when its petition for certification as a bargaining agent was made.

Alex Saunders, temporary executive secretary of U.S.T.G., who was discharged last week, made the affidavit which was filed with the N.L.R.B.

Saunders' charges name Robert Montgomery, former S.A.G. president, as the donor of a $5,000 fund supplied to Jeff Kibre, described as "an agent for unknown sources," to be used in a campaign "to get the I.A.T.S.E." It is also alleged that Harry Bridges,

(*Continued on page* 21)

'Beau Geste' Opens Big at $11,000

"Beau Geste" opened strong at the Paramount yesterday with an estimated $11,000 gross for the day. "The Magnificent Fraud" ended its second week there with an estimated $28,000. "Winter Carnival" drew an estimated $82,000 at the Music Hall.

Last week of "Andy Hardy Gets Spring Fever" drew an estimated $20,000 at the Capitol. At the Astor, "Goodbye, Mr. Chips" continued at a steady pace with an estimated $12,000 for its 11th week. Opening today are "Four Feathers" at the Capitol and "In Name Only" at the Music Hall. "Bad Lands" goes into the Rialto Aug. 8.

U.A. Issue Tomorrow

Tomorrow's issue of *Motion Picture Daily* will present a special section devoted to the twentieth anniversary of United Artists.

Code's Legal Terms Ready For Approval

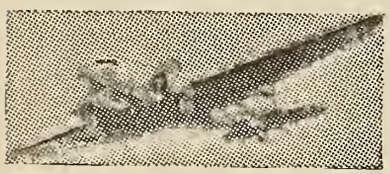
Legal phases of the industry trade practice code have been completed and indications are that the final draft will be presented to the trade as soon as a meeting of sales managers can be arranged to give the document final approval.

William F. Rodgers of M-G-M, chairman of the distributors' negotiating committee, has been unable to set a date for a final session due to the absence from the city of a number of the major company sales executives. He has advised Ed Kuykendall, M.P.T.O.A. president, that the final draft will be made known not later than next Wednesday.

Company attorneys placed their approval on the new arbitration and clearance provisions at a meeting which lasted until late Tuesday night. It was indicated later that Fox West Coast and other affiliated circuits which have objected to the new arbitration terms covering clearance in arbitration cases will accept the provisions as finally agreed upon.

From Plays to Films?

CHICAGO, Aug. 2.—Plans are under way for the Erlanger Theatre to become a grind film house. Several parties are interested. The property is in the hands of bondholders who demand a change in policy from the former stage attractions as the shortage of plays has reduced the revenue to a minimum. The house is now dark.



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SHORTEST, FASTEST COAST-TO-COAST

Purely Personal

STEVE FITZGIBBONS, studio manager of Movietone News, sailed yesterday on the *Normandie* for a European vacation. He will renew acquaintances in Paris where he formerly was at Joinville studios.

•

R. D. STALLINGS, Kincey circuit manager at Lenoir, N. C., is taking in the World's Fair. Other out of town visitors are EDYTHE J. LAUGHLIN, Raleigh, N. C.; Mr. and Mrs. R. A. MOMM, Loudonville, O.; TED DE BOOR of the Interstate circuit, Dallas, and J. J. DEITCH, buyer and booker for the Tri-State circuit, Des Moines.

•

FRANK Z. CLEMENTE, Spanish producer, arrived yesterday from Hollywood enroute to Buenos Aires, where he will make six films. He sails Aug. 20.

•

MILTON SILVER, the Squire of Weston, Conn., has found more time to indulge in the art of horseshoe pitching, now that some rain has fallen on his vegetable crop relieving him of the job of artificial irrigationist.

•

BETTE DAVIS arrives here tomorrow. She will sponsor the air debut of her protege, PAMELA CAVENESS, on a CBS program.

•

FRANK CALVIN, head of CECIL B. DEMILLE'S research staff, has left for Hollywood after gathering data for "Royal Canadian Mounted."

•

N. H. WATERS, head of the Waters theatres in Birmingham, and his family are spending a vacation in San Francisco and Honolulu.

•

OTIS BOWES of the Grand, Regina, Sask., was a Managers' Round Table visitor during a brief vacation here.

•

E. V. RICHARDS, back in New York for a second brief visit in the past few weeks, left yesterday for New Orleans.

•

VICTOR STREUL, manager of the Roxy, Ottawa, Ill., has been visiting here.

•

SUSAN HAYWARD, Paramount player, is in town for a vacation visit.

HUGH BRALY, Paramount district manager with headquarters in Des Moines has been conferring at the home office.

•

K. S. HIRLEKAR of Bombay, India, founder of the Motion Picture Society of India, has been visiting here and leaves tomorrow for Hollywood. He will return here and sail for Europe Aug. 28.

•

DAME MAY WHITTY, British actress, arrives today on the *Washington*. She will play summer stock at Harrison, Me., in "Viceroy Sarah," directed by her daughter, MARGARET WEBSTER.

•

MABEL DREW of the 20th Century-Fox publicity department leaves today for a three-week vacation in Hollywood.

•

WILLIAM KURTZ of the Rialto Theatre is back from vacationing at Poultney, Vt.

•

SIDNEY KAUFMAN of M-G-M is traveling in the south.

B & K Deals Set; Film Buying Slow

CHICAGO, Aug. 2.—Though B. & K. deals have been made for next season, independents are holding off on buying. The main reason for the delay is that many of the independents hope pending lawsuits will change the local picture on clearance and other factors.

B. & K. and Great States circuits have closed with 20th Century-Fox for the new season and a deal by Warners with B. & K. is completed. A Warner contract for Great States is expected to be closed soon. Ben Kalmenson, Warner division manager, is here from New York completing details. B. & K. has other major company product under long-term contract.

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U. A. Sued in Missouri

TRENTON, Mo., August 2.—G. J. Spencer, operator of the Ritz Theatre here, has filed suit in Circuit Court against United Artists alleging violation of contract. Spencer alleges his contract specified first run films, but he got second run pictures in many instances. Spencer also charges U. A. terminated the contract without reason after he had played many of the less desirable pictures in order to get the good ones.



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Independents Pushing Plans For Jubilee

(*Continued from page* 1)

pendents has been launched and a substantial number already have agreed to participate in the anniversary activities, according to Balaber.

Manual for Jubilee Goes to 18,000 Theatres

The campaign manual for the industry's 50th anniversary observance was completed yesterday. Approximately 18,000 copies are being prepared for mailing to exhibitors in the next few days. Organization work will be begun immediately with the anniversary week set for Oct. 1 to 7.

Foreword of the 24-page manual points out that effectiveness of the campaign will depend on the individual initiative and resourcefulness of those who participate, and that the manual is only "an attempt to provide background material and to save the participating exhibitor time and research work."

The manual was prepared by the anniversary committee consisting of Kenneth Clark and Joel Swensen of M. P. P. D. A.; Harry Goldberg, Warners; Lou Pollock, Universal; William Ferguson, M-G-M; Ben Grimm, RKO, and Lester Thompson, Advertising Advisory Council.

RKO Theatres Set Seven Reopenings

(*Continued from page* 1)

N. Y., Aug. 24; Strand, Syracuse, Aug. 25; Trent, Trenton, Sept. 1, and the Orpheum, Champaign, Sept. 8.

Five other theatres closed for the summer will be reopened, but dates are not definite. These are the Majestic, Columbus; Colonial, Dayton; Central, Yonkers, N. Y.; Grand, Cincinnati, and the Century, Rochester.

Ameche to Paramount

HOLLYWOOD, Aug. 2.—Twentieth Century-Fox has loaned Don Ameche to Paramount for a film to be made in the fall. Three stories are under consideration for him. His previous Paramount assignment was "Midnight."

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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•

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GARSON KANIN · JOHN CROMWELL · HERBERT WILCOX · GREGORY LA CAVA GEORGE STEVENS · WILLIAM SEITER · WILLIAM DIETERLE

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THE NEW SEASON'S FIRST BIG HIT! . .

starring

GINGER ROGERS
DAVID NIVEN

with

CHARLES COBURN
FRANK ALBERTSON
E. E. CLIVE

DIRECTED BY GARSON KANIN
PRODUCED BY B. G. DeSYLVA
PANDRO S. BERMAN IN CHARGE OF PRODUCTION
SCREEN PLAY BY NORMAN KRASNA
STORY BY FELIX JACKSON



Now playing to peak midwinter grosses in first runs throughout the country! . . . Held over at Radio City Music Hall after a first week that lifted it to that coveted $100,000-a-week class! . . . AS BIG AS THEY MAKE 'EM—AND PRESENT GROSSES PROVE IT!

Carole LOMBARD and Cary GRANT and Kay FRANCIS in





IN NAME ONLY

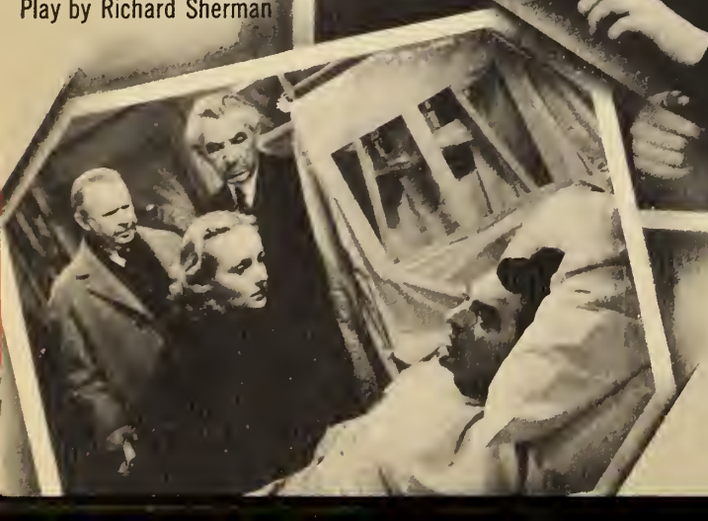
RADIO CITY MUSIC HALL ATTRACTION STARTING AUGUST

with

CHARLES COBURN
HELEN VINSON
KATHARINE ALEXANDER
JONATHAN HALE
MAURICE MOSCOVICH

PANDRO S. BERMAN in charge of production. Directed by JOHN CROMWELL. Produced by GEORGE HAIGHT. Screen Play by Richard Sherman

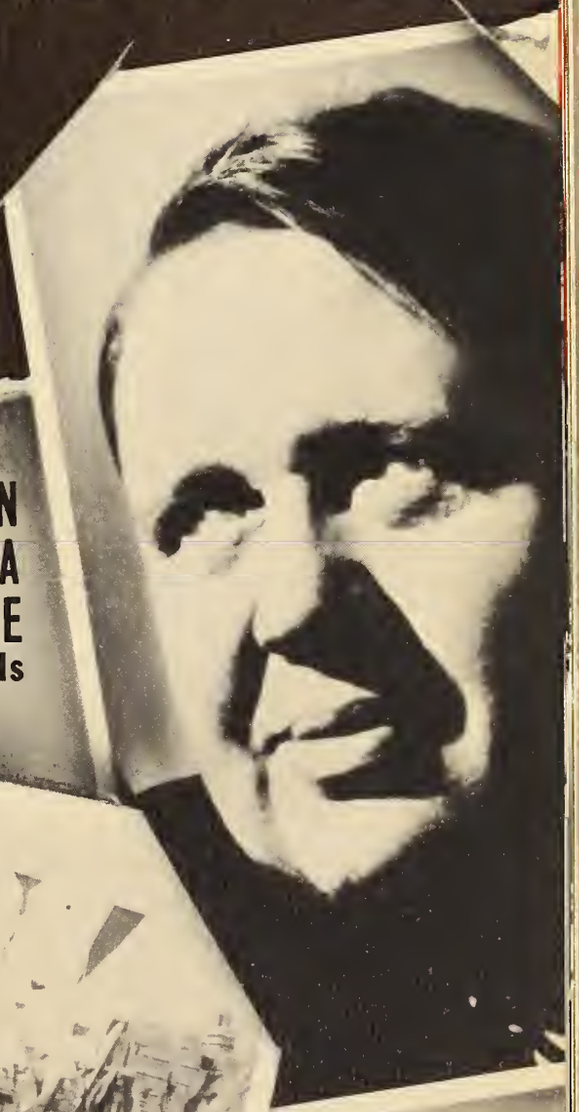




STARS, STARS, STARS . . . Carole and Cary and Kay . . . the biggest box-office threesome of the season . . . all in the Park Avenue-flavored drama of a blonde-brunette battle for the love of a man worth fighting for! . . . A BIG-TIME SHOW NOW SET FOR PRE-RELEASE RUNS IN

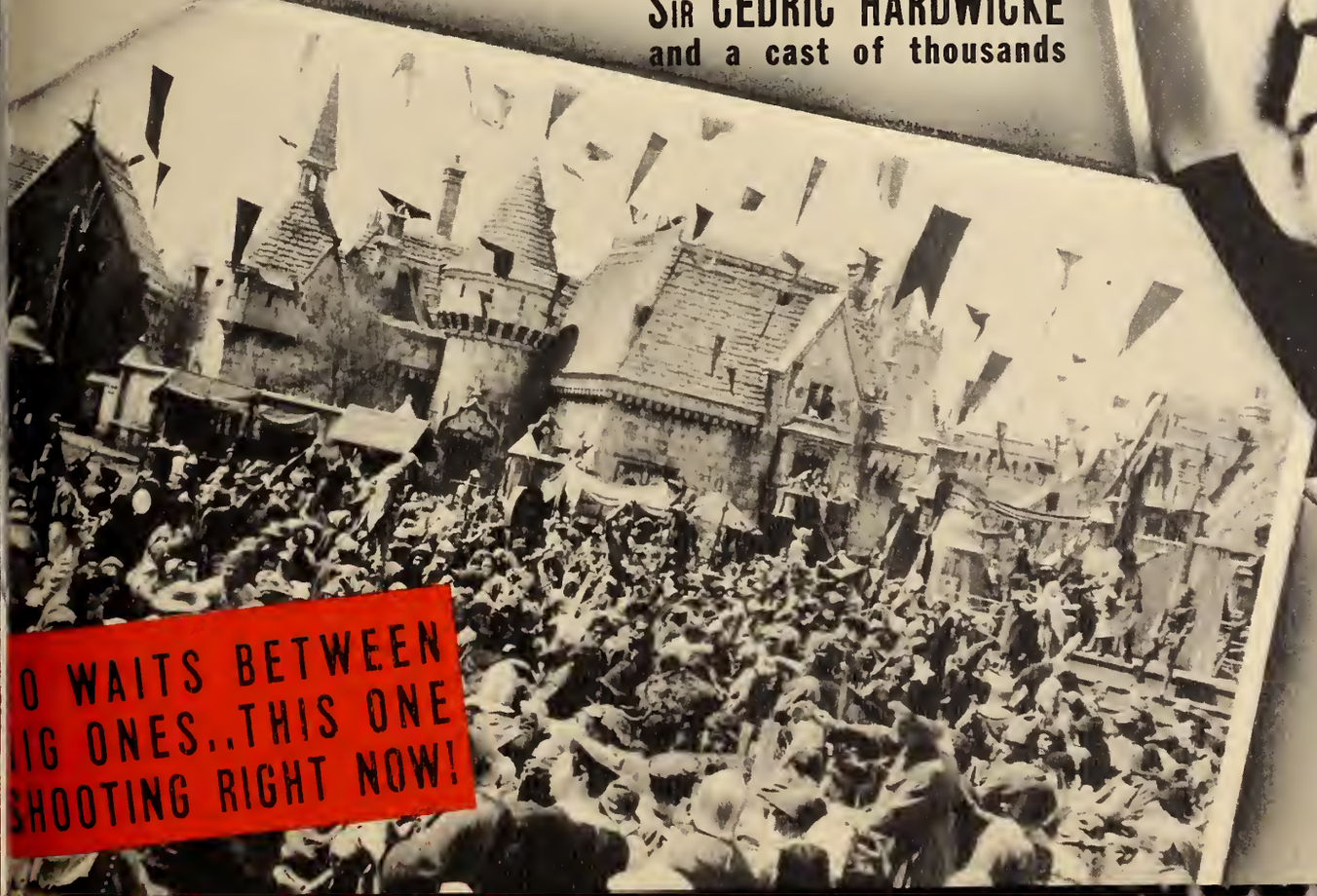
CHARLES LAUGHTON

THE HUNCHBACK OF NOTRE DAME



with **WALTER HAMPDEN**
MAUREEN O'HARA
SIR CEDRIC HARDWICKE
and a cast of thousands

PANDRO S. BERMAN IN CHARGE OF PRODUCTION



O WAITS BETWEEN
IG ONES..THIS ONE
SHOOTING RIGHT NOW!

VICTOR HUGO'S
mighty novel,
directed by
WILLIAM DIETERLE
[by special arrangement]

NO WAITS BETWEEN BIG ONES..THIS ONE SHOOTING RIGHT NOW!



PRODUCED AND DIRECTED BY
GEORGE STEVENS

CAROLE LOMBARD

VIGIL IN THE NIGHT

A. J. CRONIN'S GREATEST STORY SINCE "THE CITADEL"

PANDRO S. BERMAN IN CHARGE OF PRODUCTION

with BRIAN AHERNE ANNE SHIRLEY

NURSE EDITH CAVELL

OPENS RADIO CITY MUSIC HALL IN AUGUST!





starring **ANNA NEAGLE**
with **EDNA MAY OLIVER · GEORGE SANDERS · MAY ROBSON · ZASU PITTS · H. B. WARNER** · RKO-IMPERADIO PICTURE

Screenplay by Michael Hogan. Musical score by Anthony Collins





IT'S MORE THAN A BIG PICTURE.. it's the screen's greatest tribute to the glory of woman's courage and the wonder of her unpredictable heart! . . It's Hollywood's newest note in super thrillers, with England's greatest actress in the role that will make her

Produced and directed by HERBERT WILCOX

"STAGE DOOR" LA CAVA'S

FIFTH AVENUE GIRL

starring

GINGER ROGERS *with*

WALTER CONNOLLY · JAMES ELLISON
TIM HOLT · VERREE TEASDALE
KATHARINE ADAMS · FRANKLIN PANGBORN

Produced and directed by **GREGORY LA CAVA**



RADIO CITY MUSIC HALL
LABOR DAY WEEK!



PANDRO S. BERMAN
IN CHARGE OF PRODUCTION



Streamlined Cinderella in sables! . . . Joyous Ginger in the perfect role for a picture to cause the "Ohs" and "Ahs" and heart-throbs! What a set-up for the producer-director who wrapped up your heart with "Stage Door." Soon ready for pre-release runs everywhere!

NO WAITS BETWEEN BIG ONES..THIS ONE SHOOTING RIGHT NOW!



THE GREATEST ACTION SPECIAL

you'll get this year! . . . The screen's mightiest moving drama of pioneers against the wilderness! . . . It's all excitement, thrill and wonder . . . Outdoors on the grandest scale the movies have ever seen! . . . ONE OF THE BIGGEST AND MOST IMPORTANT PICTURES ON RKO RADIO'S GREAT LIST FOR 1939-40!

ALLEGHENY FRONTIER









Played by a cast of thousands of settlers, Indians, soldiers, scouts, wagon-trainmen and backwoods statesmen headed by

JOHN WAYNE · CLAIRE TREVOR
GEORGE SANDERS

. . DIRECTED BY
WILLIAM A. SEITER

PANDRO S. BERMAN
IN CHARGE OF PRODUCTION

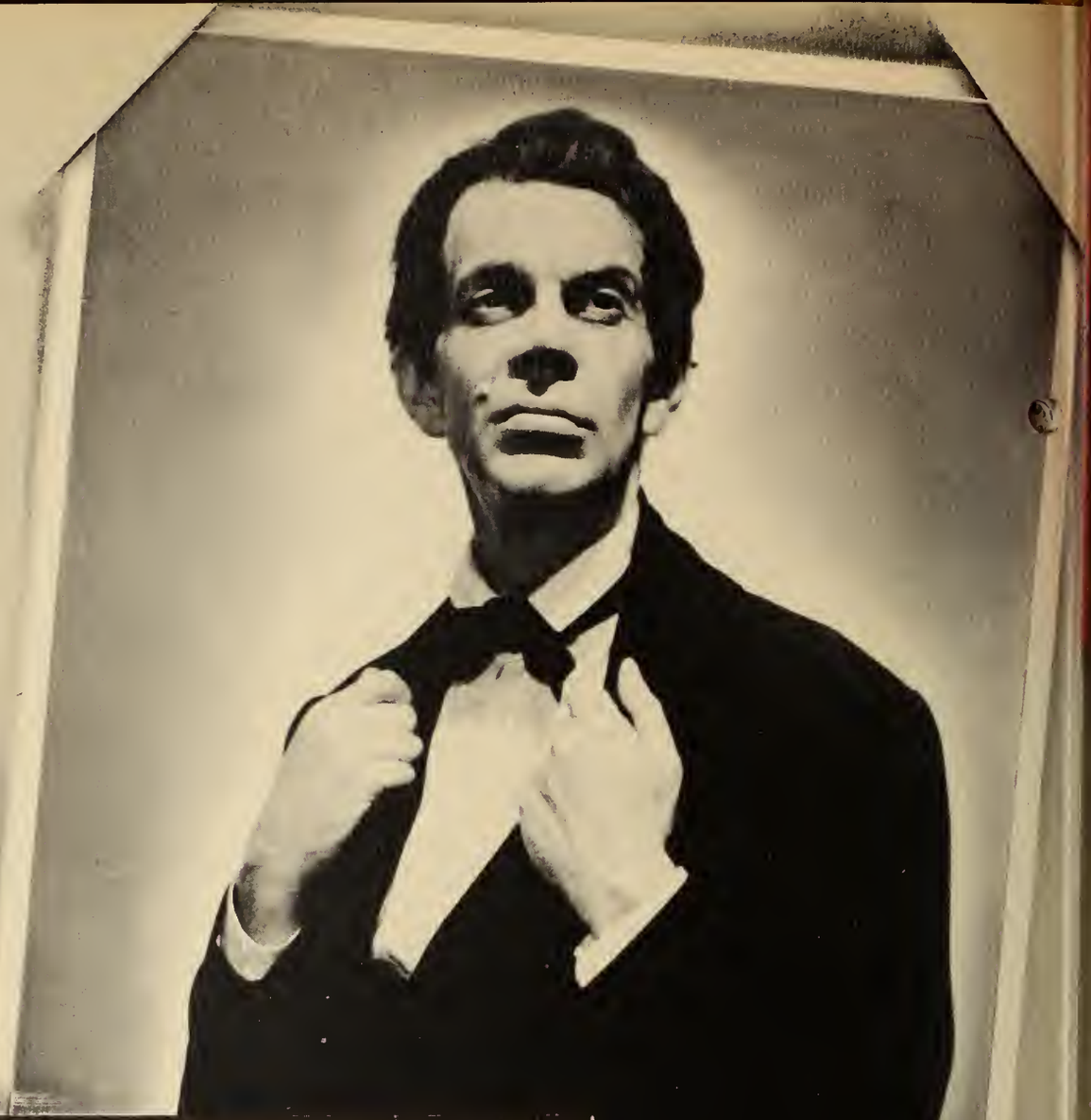
From the stirring pages of the novel, "The First Rebel," by Neil Swanson.

THE ONE GREAT LINCOLN SHOW OF ALL TIME!

RAYMOND MASSEY

in

ROBERT E. SHERWOOD'S PULITZER PRIZE PLAY..



ABE LINCOLN IN ILLINOIS

NO WAITS BETWEEN BIG ONES . . THIS ONE IN PRODUCTION NOW!

© DE MIRJIAN

Directed by
JOHN CROMWELL

Presented by MAX GORDON . .
Produced by
MAX GORDON PLAYS AND PICTURES, INC.,
HARRY M. GOETZ, President
MAX GORDON, Vice-President

EIGHT OF THE BIGGEST SHOWS YOU EVER HAD THE LUCK TO PLAY!

Top-Bracket Pictures . . Every One!

BIG IN STAR NAMES!

BIG IN DIRECTORS!

BIG IN QUALITY!

BIG IN ENTERTAINMENT!

BIG AT THE BOX OFFICE!

AND COMING SOON!...

"THE AMERICAN WAY"

MARCH OF TIME'S
"THE RAMPARTS WE WATCH"

"IVANHOE"

LESLIE HOWARD IN
"THE MAN WHO FOUND HIMSELF"

GEORGE STEVENS' "PARTS UNKNOWN"

LAUREL AND HARDY IN "THE FLYING DEUCES"

"TOM BROWN'S SCHOOL DAYS"

JEAN HERSHOLT AS "DR. CHRISTIAN"

"THE SWISS FAMILY ROBINSON"

"AFRICAN INTRIGUE"

"THE DEERSLAYER"

HAROLD LLOYD'S "CHASING RAINBOWS"

CARY GRANT IN "PASSPORT FOR LIFE"

RKO RADIO PICTURES

JUST SIGNED!

KAY KYSER and his orchestra, hottest thing in Entertainment, to be directed in a spectacular musical by DAVID BUTLER. Titled from the "Old Professor's" own radio line: "That's Right—You're Wrong."

ORSON WELLES . . Spectacular genius of the Show World —brilliant actor and director, to make one picture a year . . . and what a picture is planned for his first!

BACHELOR MOTHER

THE NEW SEASON'S FIRST BIG HIT!....

starring

GINGER ROGERS
DAVID NIVEN

with

CHARLES COBURN
FRANK ALBERTSON
E. E. CLIVE

DIRECTED BY GARSON KANIN
PRODUCED BY B. G. DeSYLVA
PANDRO S. BERMAN IN CHARGE OF PRODUCTION
SCREEN PLAY BY NORMAN KRASNA
STORY BY FELIX JACKSON

HELD OVER

BOSTON · ROCHESTER · SYRACUSE · CINCINNATI
DAYTON · CLEVELAND · DALLAS · HOUSTON · INDIANAPOLIS
LOUISVILLE · LOS ANGELES · NEW ORLEANS · NEWARK
BROOKLYN · ATLANTIC CITY · TRENTON · PITTSBURGH
ST. LOUIS · SAN FRANCISCO · WASHINGTON

EVERYWHERE

THAT'S WHAT WE MEAN WHEN WE SAY BIG ONES!

...RKO RADIO PICTURES

Theatres Act To Stop Bingo In Wisconsin

MILWAUKEE, Aug. 2.—Circuit Judge John C. Kleczka has adjourned until Aug. 14 the action instituted by Charles W. Trampe, president of Film Service, Inc., against the Bahn Frei hall here, to restrain the latter from conducting bingo parties.

Meantime, proponents of bingo have indicated that they will seek legislative action permitting fraternal and religious organizations to sponsor the games. Benjamin J. Miller, attorney for Trampe, who was successful in securing a circuit court injunction to restrain bingo games at the Midsummer Festival, declared his clients would fight any such action.

As the result of the drive against bingo here, four south side churches have temporarily discontinued the game pending court decisions.

Although he postponed the Bahn Frei action, Judge Kleczka indicated that the district attorney's office and the criminal courts should be approached first in such action before going to the circuit court.

Considerable unfavorable comment has been aroused in Sheboygan county as a result of a recent ban placed on Bingo games conducted by fraternal organizations and churches. Charles E. Broughton, publisher of the Sheboygan *Press,* has criticized law enforcement agencies for their stand in the matter.

'Daughters' on Dual Nets Detroit $14,000

DETROIT, Aug. 2.—"Daughters Courageous" on a double bill with "Million Dollar Legs" led the field this week, giving the Michigan $14,000. "Ex-Champ" and "Unexpected Father" did fair at the Fox with $10,500.

Estimated takings for week ending July 27:

"Second Fiddle" (20th-Fox)
"Parents on Trial" (Col.)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $4,400. (Average, $5,000)
"Ex-Champ" (U)
"Unexpected Father" (U)
FOX—(5,000) (20c-55c) 7 days. Gross: $10,500. (Average, $10,000)
"Daughters Courageous" (W. B.)
"Million Dollar Legs" (Para.)
MICHIGAN—(4,000) (20c-65c) 7 days. Gross: $14,000. (Average, $10,000)
"The Magnificent Fraud" (Para.)
"Unmarried" (Para.)
PALMS—(3,000) (20c-50c) 7 days. Gross: $5,200. (Average, $5,000)

Open Frisco Newsreel Theatre on Aug. 20

SAN. FRANCISCO, Aug. 2.—Opening of the new Telenews Theatre, operated by Pacific Coast Newsreel Theatre Corp., has been set for Aug. 20, according to Herbert Scheftel, president of the firm, which is spending $200,000 to remodel the new theatre property in the center of the downtown district. Ellis Levy, veteran west coast theatre and radio man, has been named manager.

Each weekly program of news will be specially edited from entire product of all five newsreel firms—20th Century-Fox, Universal, Pathe, Paramount, and MGM News of the Day.

Hollywood Review

"Stanley and Livingstone"

(20th Century-Fox)

HOLLYWOOD, Aug. 2.—Big and broad and powerful as the Nile which threads the Dark Continent of its principal locale, this pictorial presentation of the memorable search of Stanley for Livingstone rolls up tremendous interest of a most unusual kind.

Spencer Tracy and Sir Cedric Harwicke, playing the reporter and missionary of the title, give sterling performances, sincere, earnest portrayals of the sincere, earnest men whose sterling real-life performances in behalf of civilization have inspired three generations of white men.

Facts of the Stanley-Livingstone adventure (Publisher James Gordon Bennett's assignment of Reporter Henry M. Stanley to find the lost Dr. David Livingstone at any cost of time or money, Stanley's ultimate success, Livingstone's refusal to leave his beloved Africa, Stanley's return to London and his experiences with the skeptical Geographic Society) are well and widely known. They are dealt with precisely as facts in the film, as precisely as historians might deal with them, and there is no sprinkling-in of phoney melodramatic incidents to mar a fastidious and faithful record.

Associate Producer Kenneth MacGowan, director Henry King, screen playwrights Philip Dunne and Julien Josephson and researchers Hal Long and Sam Hellman seem to have proceeded with the single purpose of screening an epic experience, not embellishing it. Few films have approached this one in its simulation of reality, its respect for veracity and, consequently, its effect of authenticity.

Richard Greene, Nancy Kelly, Walter Brennan, Charles Coburn, Henry Hull, Henry Travers and Miles Mander are other names for exploitation uses, members of a large and utterly capable cast supporting the two vividly outstanding principals.

Running time, 105 minutes. "G."* ROSCOE WILLIAMS

"G" denotes general classifiction.

'Career,' Dual Bill, Top Milwaukee List

MILWAUKEE, Wis., Aug. 2.—"Five Came Back" and "Career" were the week's best with a $5,400 gross at the Warner. Second money went to "Andy Hardy Gets Spring Fever" and "They All Come Out," which grossed $6,300 at Fox's Wisconsin.

Estimated takings for the week ending July 26-28:

"Five Came Back" (RKO)
"Career" (RKO)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: $5,400. (Average, $4,500)
"Good-bye, Mr. Chips" (M-G-M)
PALACE—(2,400) (25c-35c-50c) 7 days, 3rd week. Gross: $4,200. (Average, $4,000)
"S.O.S. Tidal Wave" (Rep.)
RIVERSIDE—(2,700) (25c-30c) 7 days. Stage: Joe Sanders & Orchestra. Gross: $6,500. (Average, $6,500)
"Second Fiddle" (20th-Fox)
"The Gorilla" (20th-Fox)
STRAND—(1,400) (25c-35c-50c) 7 days. Gross: $1,400. (Average, $1,500)
"Andy Hardy Gets Spring Fever" (M-G-M)
"They All Come Out" (M-G-M)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: $6,300. (Average, $5,500)

Glamor Girl Hunted

WHN will conduct a contest to discover New York's most "glamorous working girl," with M-G-M talent scouts on hand for the weekly contests to determine if the contestants are suitable for screen tests.

Hall in 'Pago Pago'

HOLLYWOOD, Aug. 2.—Edward Small has "borrowed" Jon Hall from Samuel Goldwyn for the lead in "Pago Pago," his first U. A. release for the new season.

Post Story Bought

Paramount has bought James Street's *Saturday Evening Post* story, "The Biscuit Editor." Lillie Hayward has been assigned to write the screenplay.

Kansas City Gives 'Hardy' Big Boost

KANSAS CITY, Aug. 2. — "Andy Hardy Gets Spring Fever" and "Clouds Over Europe" hiked the take at Loew's Midland from an average $11,500 to $16,400 for the best showing and the biggest money in spite of the heat and the home stay of the Kansas City Blues.

Estimated takings for week ended July 25-27:

"Second Fiddle" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days, 2nd week. Gross: $2,400. (Average, $3,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
"Clouds Over Europe" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $16,400. (Average, $11,500)
"Daughters Courageous" (W. B.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $9,200. (Average, $7,000)
"Second Fiddle" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days, 2nd week. Gross: $2,700. (Average, $3,500)

Rowland's First Film

HOLLYWOOD, Aug. 2.—Richard A. Rowland's first production for United Artists release will be "Three Cheers for Miss Bishop," with Barbara Stanwyck starred and Archie Mayo directing. The story is based on Bess Streeter Aldrich's novel, "Miss Bishop." It will go in production shortly.

Sues Al Pearce

Ruth Rubin, as assignee of William H. Comstock, filed suit against Al Pearce, radio comedian, for $18,000 in New York Supreme Court here yesterday. Comstock, as "Tizzie Lish," formerly appeared in the Pearce program. A contract is basis of the suit.

Book Alliance Film

"Housemaster," an Alliance Films release, has been booked by Rosener's Clay Theatre, San Francisco, and the Esquire, Hollywood.

Loop Grosses Good Despite Heat, Concert

CHICAGO, Aug. 2. — "Daughters Courageous" was the hottest thing in town last week, outside the weather, and grossed an excellent $38,600 at the Chicago theatre, to lead the L[illegible]. "Second Fiddle" at the Garrick in a second Loop week was okay, as was "Goodbye, Mr. Chips," in its fifth week at the Apollo.

The United Artists reopened with a Hardy picture and did well in grossing $14,400.

The weather was hot most of the week. A free concert by Lily Pons in Grant Park Monday night drew 330,000 persons which didn't help theatre business any.

Estimated takings for the week ending July 26-July 29:

"Good-bye, Mr. Chips" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days, 5th week. Gross: $5,800. (Average, $6,000)
"Daughters Courageous" (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Vaudeville Revue. Gross: $38,600. (Average, $32,000)
"Second Fiddle" (20th-Fox)
GARRICK—(900) (35c-40c-65c) 7 days. Gross: $5,200. (Average, $5,000)
"The Gorilla" (20th-Fox)
"Exile Express" (G. N.)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Esther Ralston in person. Gross: $13,300. (Average, $13,000)
"Susannah of the Mounties" (20th-Fox)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $8,200. (Average, $11,000)
"The Cisco Kid" (20th-Fox)
STATE-LAKE — (2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $12,700. (Average, $12,000)
"Love Finds Andy Hardy" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $14,400. (Average, $14,000)

'Chips' Takes $10,500, Wins Montreal Stay

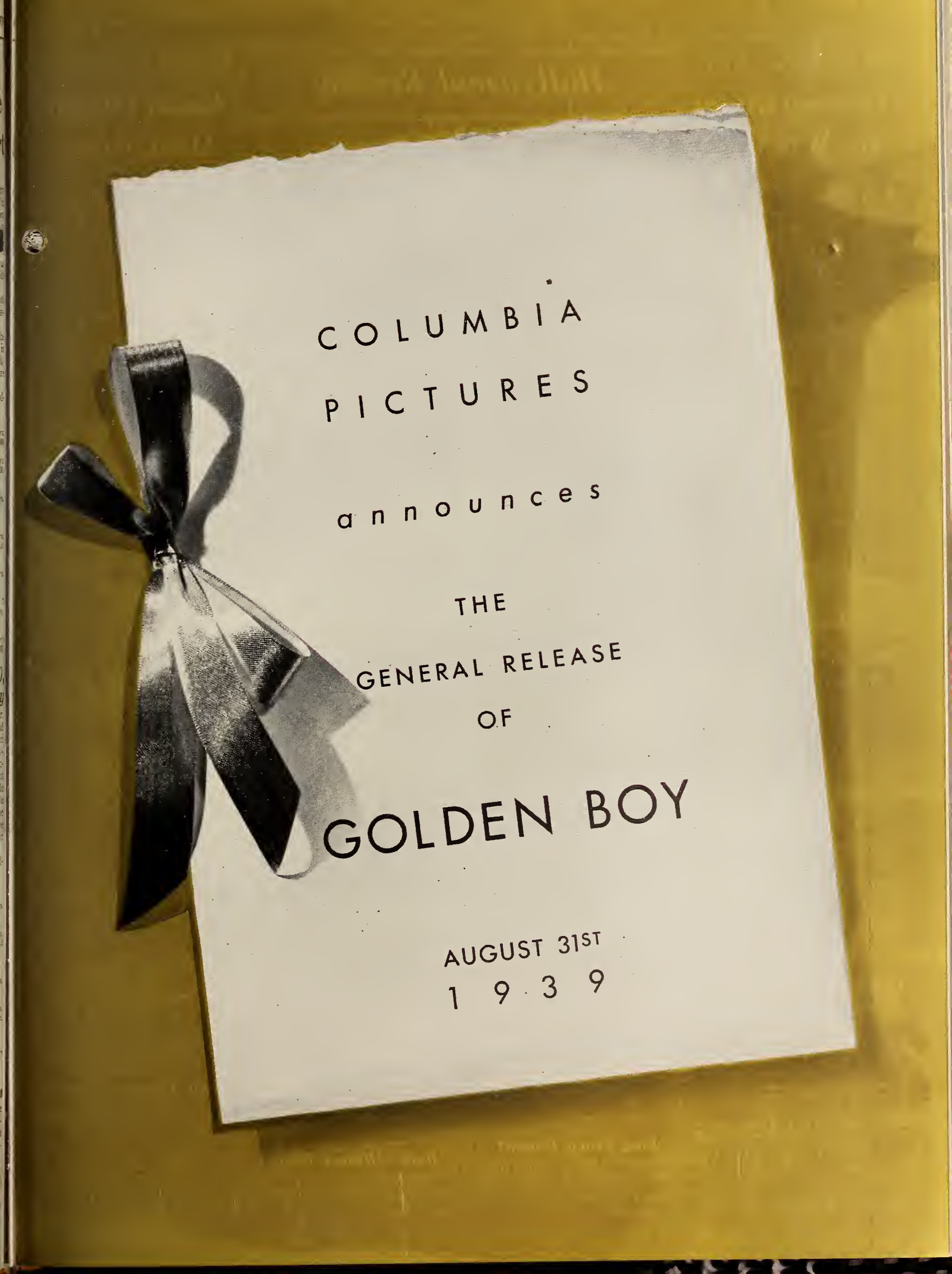
MONTREAL, Aug. 2.—"Goodbye, Mr. Chips" was best for the week and earned a holdover with a gross of $10,500 at Loew's where all-year average is $8,000. Second week of "Second Fiddle" at the Palace brought $4,800 against $11,000 par, while "Stronger Than Desire," on a double bill, took $5,200 at the Capitol. The weather was extremely sultry, but the new air-conditioning plants at main stem houses encouraged business.

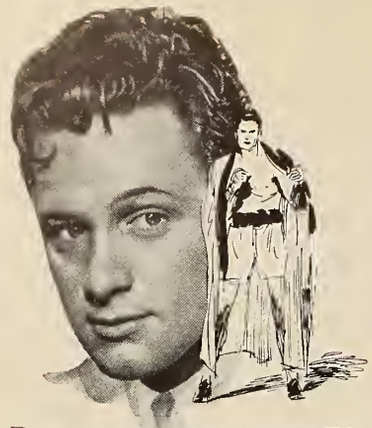
Estimated takings for the week ending July 27:

"Stronger Than Desire" (M-G-M)
"The Cowboy Quarterback" (F. N.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $5,200. (Average, $8,000)
"Good-bye, Mr. Chips" (M-G-M)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Gross: $10,500. (Average, $8,000). Held over.
"Smiling Along" (British)
"Pardon Our Nerve" (20th-Fox)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $2,200. (Average, $5,000)
"Second Fiddle" (20th-Fox)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $4,800. Second week. (Average, $11,000)
"South Riding" (British)
"Dishonour Bright" (British)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $3,800. (Average, $6,500)

Study Theatre Acoustics

HOLLYWOOD, Aug. 2.—An extensive investigation of theatre acoustics problems was begun late last week by a subcommittee of the Academy Research Council Theatre Standardization committee. Equipment and service companies are cooperating. Initial move is a 60-day acoustical measurement experiment being conducted on the Columbia lot.


COLUMBIA
PICTURES
announces
THE
GENERAL RELEASE
OF
GOLDEN BOY
AUGUST 31ST
1939



Joe Bonaparte...HE WANTS TO BE A BIG SHOT



Lorna...SHE'S THE DAME FROM NEWARK

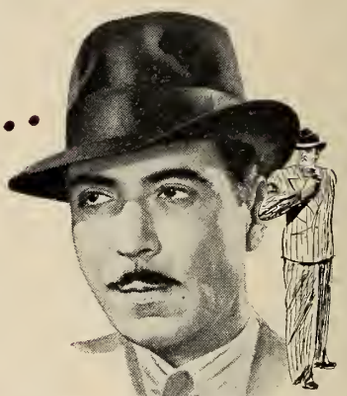


Moody...HE LOVES LORNA



Papa Bonaparte... HE WANTS HIS SON

You've never met such fascinating people...



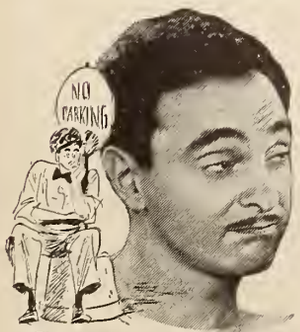
Fuseli...HE WANTS A CHAMPION



Roxy...HE WANTS THE BOY TO WIN



Anna...SHE LOVES SIGGIE



Siggie...HE LOVES THE DUCHESS



Golden Boy

Tenderly...The Screen Tells A Heart-Warming Story of Emotional Conflict and Romance!

BARBARA **STANWYCK** · ADOLPHE **MENJOU** · WILLIAM **HOLDEN**

A ROUBEN MAMOULIAN PRODUCTION · Produced by WILLIAM PERLBERG

Screen play by Lewis Meltzer, Daniel Taradash, Sarah Y. Mason, Victor Heerman

Based upon the Group Theatre play by CLIFFORD ODETS · *A Columbia Picture*

COLUMBIA PICTURES

PRINTED IN U.S.A.

35 Pictures Keep Studio Pace Strong

HOLLYWOOD, Aug. 2. — Thirty-five pictures were before the cameras this week, as eight finished and five started. Eighteen are being prepared, and 94 in the cutting rooms.

Started were: "Sky Patrol," Monogram; "Federal Offense," "Remember the Night," Paramount; "Legion of the Lost Flyers," "Chip of the Flying U," Universal.

In addition to these, shooting were: "Conga," "Prison Surgeon," Columbia; "The Real Glory," Goldwyn; "Ninotchka," "Another Thin Man," "Balalaika," "Henry Goes to Arizona," M-G-M; "Dr. Cyclops," "The Light that Failed," "Medicine Show," "Our Neighbors, the Carters," "Untamed," "Diamonds are Dangerous," Paramount; "The Hunchback of Notre Dame," "Alleghany Frontier," "Three Sons," RKO; "Wall Street Cowboy," Republic; "Here I Am, a Stranger," "Drums Along the Mohawk," "City in Darkness," 20th Century-Fox; "First Love," "Rio," "Missing Evidence," "One Hour to Live," Universal; "Eternally Yours," Wanger; "On Your Toes," "20,000 Years in Sing Sing," "The Roaring Twenties," "We Are Not Alone," "Lady Dick," Warner.

Finished were: "Five Little Peppers and How They Grew," untitled western, Columbia; "A Day at the Circus," "Dancing Co-ed," M-G-M; "Oklahoma Terror," Monogram; "Are Husbands Necessary?" Paramount; "Dick Tracy's G Men," Republic; "Tin Hats," 20th Century-Fox.

Columbia, RKO and Warners each started a short subject. Columbia and Warners each finished one. Nine are being edited.

Wilcox and Neagle To Attend Premiere

TORONTO, Aug. 2. — "Nurse Edith Cavell," Herbert Wilcox production for RKO release, will have its Canadian premiere here at the Canadian National Exhibition on Aug. 24.

Anna Neagle, star of the film, and Wilcox will attend the showing and later will be guests of honor at a state banquet with Dominion and civic officials participating. The premiere is expected to be attended by a capacity audience of 15,000 in the outdoor theatre on the Exhibition grounds.

On Aug. 26 Wilcox and Miss Neagle will sail on the *Empress of Britain* for London to attend the English premiere of the film.

Wanger Buys Stories

HOLLYWOOD, Aug. 2.—Walter Wanger, U. A. producer, has obtained first call on all future novels of F. G. Presnell dealing with the "John Webb" character. The first, "Send Another Coffin," has been purchased and will be directed by Tay Garnett.

NBC Talent Chief

SAN FRANCISCO, Aug. 2. — Gene Clark, veteran west coast air performer, has been appointed chief of auditions for new NBC talent here, for both KPO and KGO. Clark also emsees on KPO.

Hollywood Review

"In Name Only"

(RKO Radio)

HOLLYWOOD, Aug. 2.—With names as potent as Carole Lombard, Cary Grant and Kay Francis for the marquee and a title that strikes back into mellowed memory ("Wife" is implied), it is hard to see how this up-to-date treatment of a theme already old when kerosene footlights gave way to incandescents can fail to bring the moderns, their parents, and even their parents, to the cinema in droves. As if counting on this, Producer George Haight and Director John Cromwell held out none of the ingredients that moistened the eyes of gentle ladies when the century was young. Although they did shift the emphasis about and remembered to make it very amusing, indeed, in the humorous stretches.

Richard Sherman's screen play is based on a novel by Bessie Brewer entitled "Memory of Love," but the story is about a wife-in-name-only who will not divorce her wealthy husband so that he can marry a young widow whom he loves sincerely and vice versa. Miss Francis plays this reprehensible wife in no such starch artificialty as used to be the stage custom, but makes her just as detestable. Neither does Miss Lombard wear a black cloak and trudge through paper snowbanks in her misery, although she does get close to it near the end and there is one of those Christmas sequences. Grant's is the fat part and he gives it deep color. He and all hands and the picture are best in the comedy passages, which are plentiful and advantageously spotted.

Miss Francis, who has married Grant for his money, refuses to give him a divorce so that he can marry Miss Lombard and resorts to deception by way of delaying developments. Grant and Miss Lombard chafe under the enforced restraint, but manage to stay inside the baselines. He gets sick and the doctor tells her she'll have to tell him everything's all right in order to encourage him to get well and she does so, although it isn't, and the wife is about to break it all up again when Grant's father overhears her admit she's holding on to Grant until the old man dies so she can get his money, too, at which point the audience boos the wife and the picture ends happily.

Running time, 92 minutes. Classification, "G."* WILLIAMS

*"G" denotes general classification.

'Mask' at $6,500 Leads New Haven

NEW HAVEN, Aug. 2.—"The Man in the Iron Mask" and "Beauty for the Asking" was the only downtown bill to top par, taking $6,500 at the Roger Sherman, up by $1,800. The dual stayed for five additional days. "On Borrowed Time" and "Good Girls Go to Paris" took $6,900 at the Loew-Poli and the bill moved to the College for a second week.

Total first run business was $18,000. Average is $19,400.

Estimated takings for the week ending July 28:

"Second Fiddle" (20th-Fox)
"Mr. Moto Takes a Vacation" (20th-Fox)
COLLEGE—(1,499) (35c-50c) 7 days. 2nd week. Gross: $2,000. (Average, $2,700)
"On Borrowed Time" (M-G-M)
"Good Girls Go to Paris" (Col.)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $6,900. (Average, $8,000)
"Ex-Champ" (Univ.)
"Sudden Money" (Para.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: $2,600. (Average, $4,000)
"The Man in the Iron Mask" (U.A.)
"Beauty for the Asking" (RKO)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $6,500. (Average, $4,700)

Moog Bill Denied

Application of Warner Bros. Pictures for an order directing Katherine Moog to file a bill of particulars to her $75,000 damage suit against Warner Bros. was denied yesterday by Federal Judge Murray Hulbert, who ruled that the complaint was sufficiently definite and did not require a bill to amplify it. Plaintiff charges defendant with violation of the Civil Rights law and libel in allegedly depicting her as one of the characters in "Confessions of a Nazi Spy."

Flaherty Arrives To Make U.S. Film

QUEBEC, Aug. 2.—Robert J. Flaherty, English director, arrived here today on the *Empress of Australia* en route to Washington where he will work with Pare Lorentz in making a documentary film on the American farmer for the U. S. Government. Lorentz is head of the Government's film service.

Arriving on the same ship was John Grierson, director of the British Film Center in London, who last year aided the Canadian Government in forming a national film board. He will visit with officials in Ottawa and then proceed to Australia where he will make a survey of film production.

"The most notable trend in films in the last few years," said Grierson, "is the tendency of the public to 'shop for shows'."

Max Rubin to Marry

Syracuse, Aug. 2. — Ruth Divorski of Rochester will be married next Sunday to Max Rubin, assistant manager of RKO-Schine Keith's here. The bridegroom is a brother of Mrs. L. W. Schine of Gloversville.

The couple was entertained this week by Erle Wright, manager of the Paramount here, and Mrs. Wright. Guests included employes of the three RKO-Schine theatres, Keith's, the Paramount and the Eckel.

'Daughters' Best Magnet For Frisco

SAN FRANCISCO, Aug. 2.—"Daughters Courageous" paired with "Nancy Drew, Trouble Shooter," took high gross for the week, with $16,000 at the Warfield. "Career" at the Golden Gate had a good $15,500.

Second week of "Man in the Iron Mask" at United Artists was well above par with $9,500. "Good-Bye Mr. Chips" drew $5,600 in fifth week at St. Francis, and held for another.

Total first run business was $79,000. Average is $78,500.

Estimated takings:

Week Ending July 25:

"Career" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $15,500. (Average, $15,000)

Week Ending July 26:

"I Stole a Million" (U.)
"Parents on Trial" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-55c) 7 days. Gross: $8,400. (Average, $8,000)
"Good-bye Mr. Chips" (M-G-M)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 5th week. Gross: $5,600. (Average, $6,000)
"Second Fiddle" (20th)
"Hotel Imperial" (Para.)
FOX—(5,000) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $12,000. (Average, $16,000)
"Waterfront" (W. B.)
"Stronger Than Desire" (M-G-M)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: $10,500. (Average, $11,500)
"Man in the Iron Mask" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $9,500. (Average, $8,000)

Week Ending July 27:

"Daughters Courageous" (W. B.)
"Nancy Drew, Trouble Shooter" (W. B.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: $16,000. (Average, $12,000)

Week Ending July 28:

"Housemaster" (Alliance)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $800. (Average, $1,000)
"The Anderson Family" (Scandinavian Films)
LARKIN — (390) (15c-35c-40c) 7 days. Gross: $700. (Average, $1,000)

'Citizen' Premiere At Six Theatres

VAN BUREN, Ark., Aug. 2.—Six theatres in Van Buren and Fort Scott will show Bob Burns' latest picture, "Our Leading Citizen," simultaneously next Monday night.

These are the Bob Burns and Rio in Van Buren and, in Fort Scott, the Joie, New, Mystic and Hoyts. The film will be shown three times at each theatre during the night.

Arrangements are being made for 100,000 visitors to the two cities for the premieres and the personal appearances of Burns, Susan Hayward and Joseph Allen. Civic groups are cooperating.

Washington Screening

WASHINGTON, Aug. 2.—Government officials and scores of Senators and Representatives attended a screening of Paramount's "Our Leading Citizen" last night in the National Archives Building here.

The showing was arranged by Sen. John E. Miller of Arkansas, home state of Bob Burns, star of the film. Congressmen from Arkansas attended in a body.

This was a prelude to the world premiere of the picture Aug. 7, in Burns' home town, Van Buren, Ark.

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	MONOGRAM
June 30	Parents on Trial Good Girls Go to Paris	Stronger than Desire *Virginia Bruce* *Walter Pidgeon* (A) (D)	Bulldog Drummond's Bride *John Howard* *Heather Angel*	Wyoming Outlaw (O) *John Wayne*	Timber Stampede *Geo. O'Brien*	It Could Happen to You *Gloria Stuart* *Stuart Erwin* (G) (D)		House of Fear *Wm. Gargan* *Irene Hervey*		Stunt Pilot *John Trent* (June 30)
July 7		On Borrowed Time *Lionel Barrymore* *Hardwicke* (G) (D)	Man About Town *Jack Benny* *Dorothy Lamour* (G) (C)	Mickey, the Kid *Bruce Cabot*	Career *Anne Shirley* *Edward Ellis*	Mr. Moto Takes a Vacation *Peter Lorre* *Schildkraut*		Forgotten Woman *Sigrid Gurie*	Naughty But Nice *Dick Powell*	The Man from Texas (O) *Tex Ritter* (July 21)
July 14	A Woman Is the Judge *Rochelle Hudson*	They All Come Out *Rita Johnson*	Million Dollar Legs *Betty Grable* *Jackie Coogan* (G) (C)	She Married a Cop *Phil Regan* *Jean Parker*	Of Human Bondage The Lost Squadron (reissues)	Second Fiddle *Henie* *Power* *Vallee*		Unexpected Father *Baby Sandy* *Mischa Auer*	Waterfront *Gloria Dickson* Hell's Kitchen (G) (D)	Mr. Wong in Chinatown *Boris Karloff* *Marjorie Reynolds* (Aug. 4)
July 21	Blondie Takes a Vacation (G) (C) The Man from Sundown	Andy Hardy Gets Spring Fever *Rooney* *Lewis Stone*	Magnificent Fraud *Akim Tamiroff* *Lloyd Nolan* (A) (D)		Way Down South *Bobby Breen* *Alan Mowbray*	News Is Made at Night *Preston Foster* Ware Case *Clive Brook*		I Stole a Million *George Raft* *Claire Trevor* (G) (D)	Daughters Courageous *John Garfield* *Priscilla Lane* (G) (D)	Girl from Rio *Movita* Riders of the Frontier (O) (Aug. 18)
July 28	Behind Prison Gates *Brian Donlevy* *Jacqueline Wells*	Goodbye, Mr. Chips *Robert Donat* (G) (D)	Island of Lost Men *Anna May Wong* *Truex* *Blore*	Should Husbands Work? *Three Gleasons*	The Spellbinder *Lee Tracy* *Barbara Read* (G) (D)	Frontier Marshal *Randolph Scott* *Binnie Barnes* (O)	Winter Carnival *Ann Sheridan* *Richard Carlson* (G) (C)		Cowboy Quarterback *Bert Wheeler* *Marie Wilson* *Gloria Dickson*	Oklahoma Terror (O) *Jack Randall* (Aug. 25)
Aug. 4	Coast Guard *Randolph Scott* *Ralph Bellamy* *Frances Dee*	Miracles for Sale *Robert Young* *Florence Rice*	Night Work *Mary Boland* *Charlie Ruggles*	Colorado Sunset (O) *Gene Autry* *Smiley Burnette*	Bachelor Mother *Ginger Rogers* *David Niven* (A) (C)	Elsa Maxwell's Hotel for Women *Ann Sothern*	Four Feathers *Ralph Richardson* *Aubrey Smith* (G) (D)		Indianapolis Speedway *Ann Sheridan* *Pat O'Brien* (G) (D)	G. N.
Aug. 11		Lady of the Tropics *Hedy Lamarr* *Robert Taylor*	Our Leading Citizen *Bob Burns* *Susan Hayward* (G) (D)	New Frontier (O) *John Wayne* *Ray Corrigan*	Bad Lands *Robert Barrat* *Noah Beery, Jr.*	Chicken Wagon Family *Jane Withers* *Leo Carrillo* *Marjorie Weaver*	Man in the Iron Mask *Joan Bennett* *Louis Hayward* (G) (D)	When Tomorrow Comes *Charles Boyer* *Irene Dunne*	Playing with Dynamite *Jane Wyman* *Allen Jenkins*	Singing Cowgirl (O) *Dorothy Page* (June 2)
Aug. 18	The Man They Could Not Hang *Boris Karloff* *Roger Pryor*	These Glamour Girls *Lew Ayres* *Lana Turner* *Tom Brown*	This Man Is News *Barry K. Barnes* Renegade Trail	In Old Monterey (O) *Gene Autry* *Smiley Burnette*	In Name Only *Carole Lombard* *Cary Grant* *Kay Francis*	Stanley and Livingstone *Spencer Tracy* *Nancy Kelly*	They Shall Have Music *Jascha Heifetz* *Andrea Leeds* (G) (D)		Each Dawn I Die *James Cagney* *George Raft* (G) (D)	
Aug. 25	Five Little Peppers and How They Grew *Edith Fellows*	Wizard of Oz *Judy Garland* *Frank Morgan* *Bert Lahr*	Star Maker *Bing Crosby* *Louise Campbell*	Smuggled Cargo *Rochelle Hudson* *Barry MacKay*	Fighting Gringo *George O'Brien*	Jones Family in Quick Millions *Jed Prouty*		First Love *Deanna Durbin* *Eugene Pallette*	The Angels Wash Their Faces *Dead End Kids* Hobby Family *Irene Rich*	
Sept. 1	Golden Boy *Barbara Stanwyck* *Adolphe Menjou* *William Holden*	The Women *Norma Shearer* *Joan Crawford* *Rosalind Russell*	Death of a Champion *Lynne Overman* *Robert Paige*	Flight at Midnight *Phil Regan* *Col. Roscoe Turner* *Jean Parker*	Nurse Edith Cavell *Anna Neagle* *Edna May Oliver*	Adventures of Sherlock Holmes *Basil Rathbone* *Ida Lupino*		The Underpup *Nan Grey* Mutiny on the Blackhawk *Richard Arlen*		

Paramount Pictures

Book these PARAMOUNT SHORTS when you book your features!

JULY 28 — Popeye the Sailor Cartoon — NATURAL THING TO DO

AUGUST 4 — POPULAR SCIENCE # 6 — Color

AUGUST 11 — Betty Boop Cartoon — YIP YIP YIPPY

AUGUST 18 — SWEET MOMENTS — Russ Morgan and Orchestra

100% BOX OFFICE tested

SAG Officials IA 'Enemies', NLRB Hears

(*Continued from page 1*)

C.I.O. West Coast director, had pledged funds for U.S.T.G. use but that Los Angeles C.I.O. officials were unaware of it. The inference was made that funds were coming from "questionable sources."

When the U.S.T.G. filed its plea for certification as a bargaining agency for I.A. crafts on July 5, Saunders charges, it had only 25 paid-up members and the more than 1,000 pledges were not informed of the action until newspapers carried the story. Though not denying that the organization had received assistance from Montgomery, U.S.T.G. spokesmen today categorically refuted all other statements and charged that Saunders' statements were being used to "discredit the Guild."

TMAT Group Fights Merger with IATSE

Opposition to the proposed affiliation of Theatrical Managers, Agents and Treasurers Union with the I.A.T.S.E. will be voiced tonight by press agents who are against the merger. Special meeting will be held at the Capitol Hotel.

Groups opposed to the affiliation favor a working agreement with the I.A. instead of outright merger of the groups. It is felt that some agreement similar to that between the I.A. and American Federation of Musicians is desirable. Sentiment among members of the Motion Picture Division, however, appears to be stronger for the affiliation, provided autonomy is guaranteed.

Tonight's decision will guide discussions which will be held in Atlantic City Sunday between George E. Browne, I.A. president and T.M.A.T. representatives.

Creditors to Get Orpheum Assets

Federal Judge Murray Hulbert directed distribution yesterday of $28,516, the remaining assets in the estate of Orpheum Theatres Co., to creditors after payment of $4,054 as fees and commissions.

Judge Hulbert confirmed a report of Referee in Bankruptcy Peter B. Olney and ordered closing of the bankruptcy proceeding after distribution of the assets. Creditors of Orpheum Theatres have claims totalling $1,425,335.

Incorporations

DOVER, Del., Aug. 2.—Radio-Keith-Orpheum Corporation was formed here to deal in places of amusement with a capital of $10,900. David A. Stretch and Walter E. Berr, Jr., of New York City, and Horace J. McAfee of Ardsley-on-Hudson, N. Y., were the incorporators.

Iowa Midwest Motion Picture Studio Co., was incorporated to deal in films, listing a capital of $200,000 at par $50. J. Slaughter, S. L. Mackey, and H. Kennedy of Wilmington, were the incorporators.

Theatre, Personnel Notes

Reopen Montgomery Theatre

MONTGOMERY, Ala., Aug. 2.—The Strand has reopened after extensive remodelling. New seats will be installed within the next two weeks. Marvin Warren, a native of Alabama who has been with the Wilby Theatre, Chattanooga, is manager.

State, Hartford, to Reopen

HARTFORD, Aug. 2.—Harris Bros. will reopen their 4,000-seat State on a full-time schedule on Sept. 1, continuing the policy of name band attractions with pictures. Drummer Gene Krupa and his band will be the first billing. Others promised are Sammy Kaye, Blue Barron and Charlie Barnet.

New Equipment for Three Houses

BRIDGEPORT, Aug. 2.—The Rivoli, operated by Athan Prakas and the Brooklawn, operated by J. Dombi, have been equipped with General Electric air-conditioning systems. The Hippodrome, a Strand Amusement house, will be reseated and fitted with new booth equipment this month.

Seating Order to American

THOMASTON, Conn., Aug. 2.—American Seating Co. has the contract to install 700 chairs in the Park, under construction by Robert Schwartz, now operating the Paramount. On completion of the Park, Schwartz will close the Paramount, which he has under lease.

Equipment Orders Placed

JEWETT CITY, Conn., Aug. 2.—The new 750-seat Ritz, to be finished by Torans Amusement Corp. by Sept. 15, will have National Theatre Supply Simplex sound and projection. American Seating will install the chairs.

Acquire Two Ohio Houses

COLUMBUS, O., Aug. 2.—Mr. and Mrs. John Robertson, who operate the Opera House, at Bainbridge, and the Vanard, at Osborn, have acquired the Linda, at Shawnee, and the Delwyn, at New Straitsville, from Elias Hattem and Christian Davey, respectively. The Linda will be renamed the Shawnee.

Gets Madison Building Concession

MADISON, Aug. 2.—The common council here has approved an ordinance permitting the Fair Oaks Theatre Co., which is contemplating the erection of a new house, to build within four feet of the 12-foot alley running through the block.

Theatre officials asked for this concession, maintaining that if the theatre had to be kept within the 15 foot limit, 50 front row seats would have to be eliminated. It was contended that elimination of the seats would prevent profitable operation of the theatre.

Renew N. C. Lease

RALEIGH, N. C., Aug. 2.—North Carolina Theatres, Inc., have reached an agreement on renewal of a lease on the State theatre here and the house will be reopened, probably about Sept. 1. The State was closed about 60 days ago for the summer. It will be redecorated before reopening.

To Renovate Conn. House

WINDSOR, Conn., Aug. 2.—The Lampert Theatre of Windsor, Inc., a new corporation which has purchased and will operate the 500-seat Windsor Theatre, will close the house today for renovation.

New Bridge Theatre Opened

SAN FRANCICO, Aug. 2.—The new $75,000 Bridge Theatre, in the Richmond district, was opened with celebrities from the exposition taking part in the ceremonies. Manuel Zerga is the manager.

New House for San Francisco

SAN FRANCICO, Aug. 2.—Immediate construction of a 1,000-seat theatre in the Mission district, to cost $150,000, has been announced by Levin Enterprises, following negotiation of a 99-year lease involving more than $1,000,000. The theatre will be opened early in 1940.

Seats and More Seats

COLUMBUS, Aug. 2.—Despite the fact that the city is regarded as seriously overseated in both the first and subsequent classifications, George E. and John Rappold, brothers, are building a 600-seat neighborhood house at a cost of $17,000, on Parsons Avenue, three squares from the Innis, which they also operate.

Chesbrough Circuit Divided

COLUMBUS, Aug. 2.—Division of the 14 neighborhood houses comprising the Chesbrough circuit has been effected coincident with separation of William and Ethel Chesbrough, owners. Under terms of settlement, Mrs. Chesbrough will continue operation of the eight houses here and two in Dayton, while Mr. Chesbrough retains the local Empress, and the Classic, in Dayton.

ALBANY Notes

ALBANY, Aug. 2.—Delegation from Albany for the Schine golf tournament and party Thursday will include Louis R. Golding, district manager for Fabian Circuit, M. A. Silver, zone manager and Charles A. Smakwitz, district manager, Warner Brothers, and branch managers Bernard G. Kranze, Clayton Eastman, Ralph Pielow, Arthur Newmann, Joe Miller, Paul Krumenacker, Harry Berkson.

Coincident with the week's run of "Goodbye Mr. Chips" at Fabian's Palace, the theatre had every public library in the city distributing book inserts plugging the picture and suggesting readers pick up the book.

State Department of Taxation, vested with the authority to collect the state's two cent tax on packages of cigarettes, reports receipts of $2,243,679 net or gross of $2,361,767 for the last ten days in June and the first half of July to the 15th. The law became operative July 1, but most dealers purchased the State stamps in advance. Yearly collection of $24,000,000 at stable rate of $2,000,000 monthly is the expected yield. The tax replaced Governor Lehman's suggestion of one per cent on real estate valuations, estimated to cost theatre property owners $1,500,000 yearly if it had become effective.

Film Actors Protest IA's Help to AFA

(*Continued from page 1*)

to state whether a meeting would be called before the petitions were received and examined.

George E. Browne, I.A. president, could not be reached for comment yesterday on the statement issued Tuesday by S.A.G. that William Bioff was still connected with the I.A. in an executive capacity.

Paul Dulzell, executive secretary of Actors Equity, reported that he was the recipient of an anonymous telephone call which threatened him with physical violence unless he withdrew from the controversy.

Committee appointed by the 4-A international board to represent it officially at the A. F. of L. meeting is made up of Lawrence Tibbett, A.F.R.A. vice-president, Frank Gillmore, 4-A president, Kenneth Thomson, S.A.G. executive secretary, and Paul N. Turner, 4-A counsel.

Mayer and Burstyn Import Eight Films

Arthur Mayer and Joseph Burstyn have imported eight films which they will release in the United States during the 1939-40 season.

The films are "Katie," directed by Maurice Tourner, with Danielle Darrieux and John Loder; "Louise," an opera with Grace Moore; "The Revolt of the Dead," an anti-war film directed by Abel Gance with Victor Francen in the lead; "Song of the Streets," with a cast headed by Jean Pierre-Aumont, Madeline Ozeray and Vladimir Sokoloff, and directed by Hans Eisler.

"Whirlpool" (Remous), directed by Edward Greville and starring Jeanne Boitel, Francoise Rosay and Jean Galland. This film was banned by the N. Y. censors. "Shadows of the Past," a psychological study, directed by Werner Hochbaum. "Mozart," an English production, directed by Basil Dean with music by the London Philharmonic Orchestra. John Loder, Liane Hand and Stephan Haggard are in the leading roles. "Gulliver's Travels," produced with puppets and in an English version.

Examination Ordered

William Goldberg as treasurer of Europa Cinemas, Inc., was ordered yesterday by N. Y. Supreme Court Justice Edward J. McGoldrick to appear for examination before trial Aug. 16. Testimony will be taken in reference to the suit of Michael J. Levinson who asked $10,000 damages claiming that Europa breached a contract to exhibit "The Last of the Penitentes" in the Europa Theatre in Philadelphia.

Code Report Due

Special committee of Actors Equity will meet today to consider report of Alfred Harding on the ticket code situation. Harding has prepared a breakdown of all violations and the committee will make recommendations on next season's code, or, in the alternative, withdrawal of Equity from participation in further code activities.

CBS Grosses 20 Million In 6 Months

Consolidated income statement of CBS for the first half of 1939, ending July 1, shows gross income from sale of facilities of $20,129,210.56. This compares with a gross of $18,334,-605.42 for the same period in 1938.

Net profit for the six months of 1939, following deductions of $7,463,-912.98 for operating expenses, $3,034,-928.43 for administrative and general expenses, and payment of interest, depreciation and Federal taxes, amounted to $2,771,891.84. This compares with a net profit of $2,578,-192.01 for the first half of 1938.

CBS board of directors yesterday declared a cash dividend of 45 cents a share on the Class A and Class B stock of $2.50 par value, payable September 8 to stockholders of record Aug. 25.

All Net Works Show Big Billings Increase

Continuing an apparently endless upward trend, billings for July on the three major networks, CBS, NBC and Mutual, show substantial increases over previous monthly totals, with CBS setting the pace in the rise. The volume on CBS was $2,311,953; on NBC, $3,283,555 and on Mutual, $215,583.

CBS July, 1939, volume is an increase of 69.1 per cent over the total for the same month last year, which was $1,367,357. Last month's NBC volume represents a rise of 11 per cent over the total for July, 1938, which was $2,958,710. Mutual's July, 1938 billings increase last July's total of $167,108, by 29.6 per cent.

For CBS, July, 1939, proved to be the biggest revenue month in the network's history. For Mutual, the month is the 15th consecutive 30-day period that the network has shown an increase over the corresponding months of each preceding year.

Cumulative total for the year on CBS amounts to $19,264,926, a gain of 13.7 per cent over the billings for the like period of 1938, which amounted to $16,949,912. NBC's cumulative total amounts to $25,882,-492, up 7.9 per cent compared to the like period last year, when the total was $23,982,384. Mutual's cumulative total is $1,840,818, an increase of 21.9 per cent over the total for the corresponding months last year, of $1,509,287.

U. S. Television System

DOVER, Del., Aug. 2.—United States Television System, Inc., was formed here to engage in radio and television broadcasts with a capital of $10,000. Frederick Farren of East Elmhurst, N. Y.; John E. Buell of New York City and Anne M. Docken of Sunnyside, N. Y., were the incorporators.

S. F. Fair Recording

The San Francisco World's Fair has purchased 1,000 pressings of Abe Lyman's new recording of "San Francisco" for distribution to film houses along the Pacific Coast.

BANNER RADIO LINES

By JACK BANNER

CBS TELEVISION . . . CBS has not announced the date it will start regular television program operations, but it will be on or about Nov. 1, which is just about one month later than expected. The delay is necessitated by revisions in the new transmitter. Television improvements are being made so rapidly that even a brand new transmitter has become obsolete in part.

FOREIGN PICTURES ON THE AIR . . . Tuesday night saw the showing by NBC television of the French picture "Generals Without Buttons." The film was frankly disappointing as a television subject, as will be all foreign language pictures. The English titles are barely discernible on the small television screen and without the aid of the titles it is extremely difficult to follow the action. NBC, it is believed, in the future will not lease any more foreign pictures for television beyond those already contracted for, and will lease only English films, documentaries, and whatever American product it can obtain.

A REGULATION musical metronome, set at fast tempo, is used to open Edwin C. Hill's Amoco Gas programs. To its beat Announcer David Ross spells out the letters of Amoco. Someone the other day tampered with the metronome and set it at slow speed, so that instead of spelling out Amoco at the usual staccato pace, poor Dave Ross had to wait for what appeared to be interminable minutes between each letter. As it was, the show was eight seconds over.

ONE FOR THE BOOK . . . L. B. Wilson, president and general manager of WCKY, Cincinnati, gave female members of the station's staff a necklace with 50 pearls when the station inaugurated its 50,000-watts power last week. The men were presented with Red and Blue neckties representing the NBC Red and Blue networks. Since the ties were ordered several months ago, long before the matter of CBS affiliation came up, Wilson made an apology with each presentation.

PERSONALS . . . Samuel C. Fuller, formerly of KDKA, WLW and the Kastor agency, will join Young & Rubicam's production staff next week. . . . Betty Winkler and Robert Jennings will be married in two weeks. . . . Bob Moss has replaced Owen Crump as producer of the "Grouch Club." . . . Helen J. Sioussat, CBS assistant director of talks and education, is Europe-bound on vacation, as is Dr. Vladimir Zworykin of R.C.A. . . .

TELEVISION RUMPUS . . . The sound and fury coming from NBC's television studio following the presentation of the last of the season's studio programs was the director raising hob with the Pinky Lee act. The troupe rehearsed one show. The moment the cameras were turned on, they performed another—their old-time vaudeville act which has a couple of risque routines.

KYSER WOWS 'EM . . . Hottest thing t'other side of the Rockies is Kay Kyser's band, now touring the West. Playing Manteca, Cal., the other day, which has a population of 2,000, the band was paid $2,458 against a $1,000 guarantee and a percentage. Next night in Sacramento, which is only 60 miles from Manteca, the band's share for the night was $2,940. Incidentally, the San Francisco Exposition is dickering to bring back Kyser. If the deal goes through it will make four engagements in six weeks for the band at the Exposition.

DANDY PROMOTION . . . NBC, noted for its dry-as-dust promotional pieces, is to be congratulated for one of the breeziest promotional volumes ever produced at Radio City. It's on "Information Please" and the job which the Blue network is doing is selling the sponsor's product.

AN ADOPTION . . . A gentleman of color walked into the office of Lyn Murray at CBS about 10 days ago to sell the musical director some jive arrangements of classical numbers. The arranger's name is James Ferguson, of the Harlem Fergusons. Lyn didn't care for the arrangements, but that didn't discourage the darkey. He just sat down and proceeded to make himself handy, answering telephone calls, running errands, dusting, etc., and he's been deaf to all hints that such services are not required by Lyn. He's still there and Lyn has just about given up hopes of dismissing him. Ferguson grinningly tells all visitors he's "'dopted Mistah Murray."

Mutual Concert Series

Concert series sponsored by La Rosa Co. on WOR, will spread to the Mutual network beginning Oct. 31, when WAAB, WTHT, WEAN and WICC, in addition to WOR, will take the series. Its schedule is Tuesdays from 8 to 8:30 P. M.

Uncle Don will go network for the first time in his 12-year air career when the Maltex Co. assumes sponsorship of his program over WFIL, CKLW, WGN and WHK for 22 weeks, beginning Sept. 25.

Form Authors' Agency

Curtis Brown Ltd., authors agency, has formed a subsidiary company to represent authors writing for radio and television. The new company, with Frank Chase in the enterprise, is known as Curtis Brown-Alan C. Collins Inc. Chase formerly was in the program business under the firm name of Chase & Ludlum, and previously was with NBC. Curtis Brown-Alan C. Collins Inc. will also act in negotiations for personal appearances by its author.

Hollywood In Brief

HOLLYWOOD, Aug. 2.—William Cagney, brother of James today signed an associate producer contract with Warners. For a long time he has been James Cagney's manager.

He will report for work Monday under Hal Wallis, executive producer, who supervises James Cagney's pictures. Signing of the contract follows by a few weeks the signing of another term pact with James Cagney.

Because its New York opening is set for tomorrow to predate its previously scheduled Hollywood preview, "Stanley and Livingstone" was screened for principal press guests in Darryl Zanuck's private projection room at the 20th Century-Fox studio last Monday. Strange seat fellows they made, served in three takes in the room that accommodates only 15, grouping such company as Ed Sullivan, Bugs Baer, Hedda Hopper and Fred Oatman, among others, printers-ink rivals before the screenings started—buddies of the Fourth Estate after they'd experienced the film which is grand-daddy of all the reporter-gets-his-story stories ever screened.

Joseph M. Schenck of 20th Century-Fox, George J. Schaefer and Ned Depinet of RKO arrived in Hollywood just in time for the outbreak of the highly alphabetical war for position in the studio labor setup. Even New York in August was a cooler place than this on Monday night.

Marquee Problem—Warners' "The Lady and the Knight," formerly known as "The Knight and the Lady," has been retitled "The Private Lives of Elizabeth and Essex," which will be quite a strain on the average exhibitor's supply of upper and lower case e's.

Writers—Barlett Cormack's first draft of "The Days Before Lent" has been okayed by Harry Rapf and he's proceeding with the screen play. . . . Richard Carroll has joined the Harry Sherman writing staff. . . Leonard Lee will collaborate with W. P. Lipscomb on "Safari" for Paramount. . . . Warners have assigned Owen Crump to script "Secrets of a Private Nurse," Abel Finkel to scenarize "Two Sons" and Charles Belden to do "The Singing Cop."

Directors—Norman Taurog will direct MGM's "Broadway Melody of 1940". . . . Edward Ludwig has been given megaphone command of RKO-Radio's "Swiss Family Robinson."

Players—Judith Anderson plays a top role in David O. Selznick's "Rebecca". . . . John Garrick, London singing star, is here for a part in Paramount's "Victor Herbert". . . . Priscilla Lane and Jeffrey Lynn are to be co-starred in WB's "Episode". . . . Reginald Owens draws a featured role in "Remember," MGM.

Fay Helm, following a graphic performance in "Our Leading Citizen," has been given a leading role in Paramount's "Federal Offense". . . . Dorothy Tree and Mary Howard have been given assignments in RKO-Radio's "Lincoln in Illinois". . . . J. Carrol Naish, of "Beau Geste," will continue his villainies for Paramount in "Typhoon."

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Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 24 NEW YORK, FRIDAY, AUGUST 4, 1939 TEN CENTS

Trial of Trust Suit By Jan. 1 Very Doubtful

Calendar Crowded, Knox Tells U. S. Attorneys

There is little likelihood that trial of the Government anti-trust suit against the industry can be started before Jan. 1, Federal Judge John C. Knox said yesterday after hearing the Government's plea for a preference for the case on the trial calendar. Judge Knox reserved decision on the Government motion.

The court's view coincides with that expressed by industry attorneys in recent weeks, as reported in MOTION PICTURE DAILY.

Judge Knox pointed out that the Federal court calendar is crowded with cases of equal import and that the court does not have its full complement of judges. He recalled that no appointment had been made to fill the vacancy left when Judge Robert P. Patterson was assigned to the U. S. Circuit Court of Appeals; that Judge Francis G. Caffey will be engaged with trial of the Aluminum Co. case for months and that Judge John M. Woolsey cannot be assigned to the industry case because his wife owns stock in Loew's, Inc.

The Government case is on the court calendar now for trial about next March. The motion for a preference on the calendar asks for Nov. 1 as the date for start of the trial.

(*Continued on page 60*)

First Union Pact For N. Y. Managers

First union contract in New York covering wages and hours for film theatre managers and assistants is being drawn after negotiations were completed yesterday between Theatrical Managers, Agents and Treasurers Union and Five Boro Circuit (Goldbaum-Leff-Straussberg).

Terms of the contract, which will go into effect Sept. 3, were not revealed. Gustave A. Gerber, union attorney, and Melvin Albert, Five Boro attorney, are drafting the formal contract, and it is expected to be signed within a week. The contract provides for a closed shop.

Similar negotiations for ushers, cashiers, doormen and matrons, who walked out in sympathy when the T.M.A.T. declared a strike against the circuit last month, have not been completed but union officials asserted that

(*Continued on page 57*)

Broadcasters Plan Own Music, Protest High Fees by Ascap

The broadcasting industry through its association, the National Association of Broadcasters, is embarking on plans to build its own reservoir of music and thus make it less dependent upon the Ascap than it has been heretofore.

The Copyright Committee of the NAB will meet in New York Aug. 9 to set plans and to engage a specialized staff for that purpose. The NAB's contract with Ascap expires Dec. 31, 1940.

The drastic decision in this direction was taken at a meeting here yesterday following a conference between Neville Miller, president of the NAB, and John G. Paine, general manager of the music society.

Miller said that radio has paid Ascap approximately $20,000,000 for rights to music in the past six years alone. He said that the radio industry expected to continue to pay substantial sums of money for music, but that it could no longer remain so largely dependent upon a single source of music.

Chief objectives of the broadcasters, Miller said, are:

(1) To defend themselves against the Society's requirement that they

(*Continued on page 4*)

Columbia Division Chiefs Meet Here

A meeting of Columbia division managers will be held here today and tomorrow to discuss sales policies on "Golden Boy" and "Mr. Smith Goes to Washington."

At the meeting will be Jack Cohn, vice president; Abe Montague, general sales manager; Nate Spingold and Rube Jackter, assistant sales manager. Also, Division Managers Sam Moscow, southern; Phil Dunas, midwestern; Carl Shalit, central; Sam Galanty, mideastern, and Jerome Safron, western. Safron has been at the home office for the past few weeks.

At the close of the meeting Montague will be host to the men aboard his cruiser and at a steak broil ashore later. The Columbia sales manager will act as chef.

Union Battle Crisis Grips Entire Amusement World; 4A Polls 30,000 on Strike

By EDWARD GREIF

Battle lines were more closely drawn yesterday for what appears to be imminent warfare involving every phase of the entertainment field in the jurisdictional struggle between Associated Actors and Artistes of America and the I.A.T.S.E. Preparing for the fight, the 4-A attacked on three fronts:

A strike vote was sought in a mail referendum sent to the 30,000 4-A members.

American Federation of Radio Artists suspended Sophie Tucker, president of American Federation of Actors, the new I.A. affiliate, from active membership and ordered her to answer, within 15 days, charges of committing acts prejudicial to the welfare of A.F.R.A.

Actors Equity called a special council meeting for two o'clock this afternoon to determine whether charges should be pressed against Miss Tucker and whether she should be suspended pending a hearing.

The I.A. took no formal action but made two statements:

A spokesman for the Stagehands Union, Local 1, which has jurisdiction over the Manhattan area, declared that any retaliatory moves against Equity would be decided upon by George E. Browne, I.A. president, who has sole and complete power and whose orders would be followed implicitly.

James Brennan, I.A. vice-president, pointed out that Screen Actors Guild, which is now leveling charges against Browne and William Bioff, had publicly expressed their thanks to both these men for their assistance in obtaining the first S.A.G. contract from film producers. Brennan asserted that Guild leaders had acknowledged at that time that the contract could not have been obtained without I.A. aid.

The fight is expected to open on Broadway's legitimate stages where the first test of power will occur. Miss Tucker is to appear in "Leave It to Me!" which is scheduled to re-

(*Continued on page 4*)

TMAT Film Unit Votes IA Merger

The executive board of the motion picture division of the Theatrical Managers, Agents and Treasurers Union voted unanimously last night to apply for affiliation with the IATSE. Approximately 300 members of the legitimate stage section of TMAT held a heated session at the Capitol Hotel last night, but failed to take any action. The consent of both groups, legitimate and film, is needed for the proposed merger. The TMAT group will insist upon geting an "A" charter.

20th-Fox Reports $3,419,658 Profit

Consolidated net operating profit of $2,325,525 for 26-week period ended July 1, after deduction of all charges including Federal income taxes, was reported yesterday by 20th Century-Fox. Profit for the corresponding period last year was $3,419,658.

Second quarter profit, after all charges, was $1,101,275, compared with $1,224,250 for the first quarter, and $1,778,121 for the second quarter last year. No dividends were received from National Theatres Corp., in which 20th Century-Fox is interested, during the first half of either year.

After allowances for dividends on preferred stock, profit for the half year was equivalent to 93 cents per share on 1,741,988 shares of common outstanding. Profit per share for the second quarter was 43 cents.

Gross income was $27,846,208 of which $27,200,458 was from sales and rentals of films and accessories.

IN this issue, Motion Picture Daily presents a section dedicated to the Twentieth Anniversary of the commencement in the film industry of United Artists. Motion Picture Daily takes this occasion to extend felicitations to United Artists and its personnel.

Purely Personal

MAX GUMPEL of Denham Laboratories, London, who has arrived for a visit, was honored with a luncheon at the Tavern yesterday. Among those attending were ALLAN FREEDMAN, SAM TULPIN, MORRIS ROSENZWEIG, LOWELL CALVERT, RICHARD BRADY, L. A. BONN, RALPH AUSTRIAN and WILLIAM GERMAN.

•

NAT LIEBESKIND, RKO Radio South American manager, sails for Argentina today. He will stop at Rio de Janeiro to attend the RKO Brazilian convention Aug. 18, continuing to Buenos Aires to conduct a second meeting Aug. 31.

•

MICHAEL M. BERGHER left for the Coast yesterday on his return to Japan, where he is manager for Columbia. After a week in Hollywood he will fly to Vancouver, from where he will sail Aug. 17 on the *Empress of Asia*.

•

WALTER READE left yesterday for a two-week vacation in Saratoga. WALTER READE, JR., returns tonight from Gloversville where he attended the Schine convention.

•

LYNN FARNOL, United Artists advertising and publicity director, will leave for the Coast by plane Sunday to confer for several days on campaigns for new U. A. product.

•

NAT SANDERS of Film Alliance of the U. S. leaves today on a three-week trip of key cities as far as the Coast, to arrange distribution deals.

•

SAMUEL GOLDWYN will leave for the Coast today with his wife and son after two weeks in New York.

•

PEGGY MAHONEY of the Paramount Theatre publicity staff leaves tonight for an eight-day motor trip to Canada.

•

GERALD MARKS, songwriter, has returned from a two-week business and pleasure trip to the midwest.

•

MICHAEL MARIO, operator of the Venice, Manhattan, leaves today for a 10-day vacation at Saratoga.

•

ELSIE ORBACH of Universal's New York exchange is now Mrs. EUGENE PAJOR.

•

DAVE FLEISCHER, of Fleischer cartoon studios, arrives tomorrow by plane from Miami.

•

HOWARD DIETZ returns Monday on the *Queen Mary* from a European vacation.

•

HARRY WEINER, U. A. manager in Cuba, sails for Havana tomorrow following a vacation here.

•

JASCHA HEIFETZ arrives Sunday from the Coast.

•

SID RECHETNIK of Warners begins a two-week vacation tomorrow.

•

C. N. ODELL of Paramount has returned from Washington.

•

LIONEL TOLL and BINGO BRANDT will spend the weekend in Saratoga.

Insider's Outlook

By SAM SHAIN

AUBREY FLANAGAN writes from London that especially to amuse the new Militia, theatres in Oswestry, Shropshire, will be permitted to open Sunday nights. Hitherto picture houses have not been allowed to show films on Sunday, but with the building of a camp to house some of Bratain's new militiamen the Council has decided, at the request of the authorities, to grant special permission. The army must be entertained.

ON the roof of the Radio City Music Hall, at the annual party of the Music Hall employes, there were 1,200 in attendance to dance and be entertained with a show presented under the supervision of Dick Leibert. When Leibert, who was master of ceremonies, introduced W. G. Van Schmus, managing director, as their beloved leader, he echoed the sentiments of everybody present.

HARRIS WOLFBERG, M-G-M district manager in Kansas City, was in New York for home office conferences. He relaxed the other night in the cocktail room of the Essex House and jokingly was persuaded to get up and try the rhumba with an Arthur Murray teacher. Believe it or not, he had never rhumbaed in Kansas City, but he won the prize as the best dancer on the floor!

THE versatile Loew exploitation gang is currently dividing its efforts between conquering the air . . . and the water! All theatres are participating in a city-wide Model Plane Contest on "Only Angels Have Wings" and innumerable Swim Contests in connection with "Tarzan" Weissmuller. The blow-off of the plane competition will take place at Floyd Bennett Airport with several outstanding airmen acting as judges. The aquatic contest being tied up with Manhattan Beach and a flock of private pools scattered over four of the New York boroughs.

EVERY year some American is honored for outstanding contribution to humanity by the Variety Club of America. The first award went to Rev. E. J. Flanagan, R. C., founder of Boys Town, Nebraska. This year, in broadening the scope of selection, there has been created a nominating committee of eleven prominent editors and writers to choose who shall be so honored.

This committee comprises: Harry M.Bitner, publisher of the Pittsburgh *Sun Telegraph;* Sumner Blossom, editor of *The American Magazine;* Charles B. Cheney, managing editor of the Minneapolis *Journal;* Edward J. Meeman, managing editor of the Memphis *Press-Scimitar;* Edward T. Leech, editor of the Pittsburgh *Press;* Burrows Matthews, editor of the Buffalo *Courier Express;* Channing Pollock, author and writer of Shoreham, N. Y.; Lee Ellmaker, editor of the Philadelphia *Daily News;* John Manning, editor of the Detroit *Times;* Fulton Oursler, of *Liberty Magazine,* and the Reverend Flanagan.

CLIFFORD FISCHER is bringing over a new French show for the San Francisco Fair which will be known as "Follies Supreme."

TEDDY ARNOW, Loew's Westchester publicity man, spent days working out a "Tarzan" gag. As per schedule, the socalled "white god" emitted some unearthly shrieks early one morning from a treetop. As expected, the local gendarmerie arrived en masse and led the lusty ape-man off to the clink. That wasn't so bad, and everything would have been swell had not the photographers arrived ten minutes sooner than they were scheduled, and the cops smelled a hoax. Arnow's wild man was then unceremoniously escorted to the city line. Result: no Tarzan, no photos, and Arnow is patrolling the Hutchinson River Parkway in search of his stunt man.

THERE'S an interesting short story by Don Eddy in *The Country Home Magazine,* titled "Texas Crime Buster," which should make a pretty good film. It's a true yarn about Sheriff Jess Sweeten, of Athens, Texas.

Schine Men Frolic at Outing

GLOVERSVILLE, Aug. 3.—Schine circuit executives and managers who attended the serious business of the circuit's convention for three days here, today frolicked at Pine Brook Country Club and later at Adirondack Inn at Sacandaga Park.

The country club was the scene of the annual Schine golf tournament.

Busses and cars carried the conventioners to the Inn for a steak roast. Many film men came from New York for the event.

The judges decided to delay selection of the winners in the golf tournament. Joe Schwartzwalder, Schine Auburn city manager, scored a hole-in-one on the 18th hole. Previously, on the 17th, he shot a birdie.

The convention tomorrow will hear an address on Americanism by William Groat, New York attorney.

Stock Deals By Schenck, Loew Shown

WASHINGTON, Aug. 3.—Only three transactions by officers or directors of motion picture companies in the securities of their corporations in June were reported in the first semi-monthly summary of the Securities and Exchange Commission, issued today.

The report showed the acquisition by Daniel M. Sheaffer, Philadelphia, director, of 500 common voting trust certificates of Universal Corporation, bringing his holdings to 18,000 held direct and 26,500 held through the Standard Capital Company; the acquisition by Loew's, Inc., of 100 shares of Loew's Boston Theatres common stock, bringing its interest to 99,792 shares; and the disposition by Joseph M. Schenck, Beverly Hills, officer, of 700 shares of Twentieth Century-Fox preferred stock, reducing his holdings to 22,584 shares.

In a report for March, Harry Cohn, Hollywood, officer, disclosed the acquisition in that month of 42 shares of Columbia Pictures common stock and 1,762 common voting trust certificates direct and 30 common voting trust certificates through the "Joan Perry Account"; at the close of the month, Mr. Cohn held 1,765 shares of common and 72,284 voting trust certificates direct and 1,260 certificates through the "Joan Perry Account." A corrected report for May showed the acquisition of 500 shares of Paramount Pictures second preferred stock by Y. Frank Freeman, Hollywood, director, representing his entire holdings direct, with another 600 shares held through his wife.

John Ferguson Dies

LYNN, MASS., Aug. 3.—John Ferguson, 92, died here today. He was the father of William R. Ferguson, M-G-M exploitation manager. Other survivors are another son, Kenneth J., and a daughter, Mrs. Walter Whitmarsh. Funeral services will be held here Saturday.

Walker in MPTOA Post

Frank C. Walker, head of the Comerford Circuit, has been elected first vice-president of M.P.T.O.A. succeeding the late M. E. Comerford.

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Stage Shows Hit Denver Film Takes

DENVER, Aug. 3.—With stiff competition from the Elitch summer theatre, which turned in its best gross of the season with "Susan and God," three of the first runs were below average and others average or slightly above. "Daughters Courageous" stopped the town by a small margin, taking $9,500.

Total first run business was $32,950. Average is $35,750.

Estimated takings for the week ending Aug. 2:

"A Star Is Born" (U. A.)
"Adventures of Tom Sawyer" (U. A.)
ALADDIN—(1,400) (25c-40c) 7 days. Gross: $2,500. (Average, $3,500)
"Andy Hardy Gets Spring Fever" (M-G-M)
"Panama Lady" (RKO)
BROADWAY—(1,024) (25c-40c) 7 days, after 11 days at the Orpheum. Gross: $3,000. (Average, $2,500)
"Stolen Life" (Para.)
DENHAM — (1,750) (25c-35c-40c) 7 days. Gross: $3,750. (Average, $6,500)
"Daughters Courageous" (F. N.)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: $9,500. (Average, $9,000)
"On Borrowed Time" (M-G-M)
"Gambler and the Lady" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $9,000. (Average, $9,000)
"Naughty But Nice" (W. B.)
"Waterfront" (W. B.)
PARAMOUNT — (2,200) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)
"Hurricane" (U. A.)
"Dead End" (U. A.)
RIALTO—(878) (25c-40c) 7 days, after a week at the Aladdin. Gross: $1,200. (Average, $1,750)

Loew Stockholder Suit Thrown Out

Dismissal of the stockholders' suit of Norman Wolf and Mannes Fuld against Loew's, Inc., and a number of other defendants was entered in the U. S. District Court yesterday.

The suit, which had sought an injunction and accounting, claiming waste and mismanagement on the part of officers of Loew's, was dismissed for lack of jurisdiction.

Shaine & Weinrib, attorneys for the plaintiffs, stated yesterday that they would refile the suit in the N. Y. Supreme Court within the next two weeks.

Rothier Bankrupt

Petition in bankruptcy was filed yesterday in U. S. District Court by Leon Rothier, opera and radio singer, who listed liabilities of $11,088 and no assets. Rothier has a regular feature radio program over Station WQXR, called "Leon Rothier Presents."

Golden's New Girl Of the Golden West

While engrossed in proceedings at the Schine convention in Gloversville, Eddie Golden, Monogram vice-president, received word that he had become a grandfather. A girl, six pounds and four ounces, was born at 3:50 a.m. yesterday to his son, Robert and daughter in-law, Carol, at the Cedars of Lebanon Hospital in Hollywood. Robert Golden is assistant film editor at the Monogram studio.

Hollywood Previews

"Miracles for Sale"

(M-G-M)

HOLLYWOOD, Aug. 3.—"Miracles for Sale," with its chief character a former magician engaged in manufacturing illusions for legerdemain artists, is a most novel picture and lends itself well to extensive exploitation campaigns. This M-G-M production, featuring Robert Young and Florence Rice, has the qualities of suspense, comedy, and thrills mixed in such proportions as to demand a repeat. "Miracles for Sale" could well become the first of a series of pictures based on Young's portrayal as the illusionist who becomes interested in a murder case.

Supporting Young and Miss Rice are Frank Craven, Henry Hull, Lee Bowman, Cliff Clark, Astrid Allwyn, Walter Kingsford, Frederic Worlock, Gloria Holden and William Demarest.

Tod Browning directed from a screenplay by Harry Ruskin, Marion Parsonnet, and James Edward Grant who adapted the book by Clayton Rawson.

Young becomes involved in a double murder when he attempts to aid Miss Rice prevent a seeress from trying to obtain $25,000 posted by a psychic research organization to be given to anyone who successfully communicates with the dead. After various clues are bandied about in approved melodramatic style, Young finds the murderer, but only after various and sundry thrills.

Running time, 70 minutes. VANCE KING

"Fugitive at Large"

(Darmour-Columbia)

HOLLYWOOD, Aug. 3.—The perenial Jack Holt comes to the screen, this time in a dual role, in a compactly made, well knit story of criminal injustice in which an innocent man is sent to a chain gang for a crime he did not commit. The plot is based upon a remarkable resemblance of the criminal to the innocent man.

With Holt in the Larry Darmour production are Patricia Ellis, Stanley Fields, Guinn Williams, Arthur Hohl, Cy Kendall, Jonathan Hale, Leon Ames, Don Douglas, Welden Heyburn, Ben Weldon and Leon Beaumon.

The screen play was written by Eric Taylor and Harvey Gates, from Taylor's original story. Lewis D. Collins directed, and Rudolph Flothow was associate producer.

The case of mistaken identity sends Holt, a surveyor, to the chain gang from which he later escapes in a desperate bid to find the real criminal. Caught by the law again, Holt's story is finally believed when the real criminal comes out of hiding to rob a bank.

Running time, 65 minutes. VANCE KING

Gibralter Circuit Sets Denver Meet

DENVER, Aug. 3.—Gibralter Enterprises, Inc., will hold its annual managers' convention and business meeting at the Cosmopolitan Hotel here Aug. 11 to 15.

In addition to company officers and theatre managers, attending will be advertising men, bookers, maintenance men and directors. The company, of which Charles R. Gilmour is president, controls and operates 38 theatres in the Denver area.

Officers will be elected for the coming year and the directors may declare a statement of policy on industry matters, including the trade practice code, arbitration and the Neely bill.

Identified with the company are several well known theatre men including Ed Schulte, Casper, Wyo.; William Ostenberg, Scottsbluff, Neb.; Everett Cole, Alamosa, Colo.; Thomas Murphy, Raton, N. M.; E. W. Ward, Silver City, N. M.; John Greer and Nathan Salmon of Sante Fe, N. M.

"U" Boards Meet

Board meetings of Universal Corp. and Universal Pictures Co. were held yesterday. J. Cheever Cowdin, chairman, reported on foreign market developments in connection with his recent European visit.

Diaz' Son Asks W. B. Revise of "Juarez"

MEXICO CITY, Aug. 3.—A demand that Warners be compelled to make "historical rectifications" in "Juarez" was made to the Federal Prosecutor General here today by Porfirio Diaz, junior civil engineer and son of the late President of Mexico who is portrayed in the picture. The complaint makes no mention of damages or penalties against the producer.

The complainant charged that the film "places his father in a ridiculous light" and disregards historical facts.

"Juarez" is playing here at the Cine Orfeon and is doing well despite the fact that newspaper critics were almost unanimous in "panning" it and pointing out historical inaccuracies.

Odlum Leaves Paramount

G. B. Odlum, associated with the Paramount home office theatre department for the past four years, and prior to that an independent exhibitor, will resign from the company in the near future to return to independent exhibition. In addition to theatre work, Odlum fulfilled assignments on production of two features produced at Astoria for Paramount release. He is a charter member of the recently formed Picture Pioneers, organization of 20-year industry veterans.

Newsreel Parade

Aviation has the spotlight in the new issues, contents of which follow:

MOVIETONE NEWS, No. 94—Army air anniversary observance throughout nation. Leahy named Governor General of Puerto Rico, Stark named Navy chief and Sayre appointed High Commissioner of Philippines. Empress of Annam visits Pope. Auto-boat racing. Girls in tug-o-war contest. Boy made Governor of Maine for a day. Driving sheep to pasture in Washington. Beauty contest at Coney Island. Fashions. Lew Lehr.

NEWS OF THE DAY, No. 292—Army air maneuvers. Radio-controlled airplane. Sheep driven down Washington mountain. Zog and Queen in Sweden. China's last stand. Art of love taught. Gold trophy regatta.

PARAMOUNT NEWS, No. 105—Plane sets endurance record. Clear way for tunnel in New York. Japs raid Chinese cities. Man without a country in Washington. Rain spoils London garden party. Trapeze artists perform atop bridge. *Normandie* sails with screen stars. Army air chore show.

RKO PATHE NEWS, No. 5—Stark is new Navy Chief, Sayre is High Commissioner of Philippines. Japs bomb China's interior. Test radio-controlled plane. Holland in armament drive. Hiwassee Dam construction is speeded. Demonstrate sound machine. Amateur tennis matches at Seabright.

UNIVERSAL NEWSREEL, No. 794—Pony roundup in Virginia. Flying fortress over New York. Radio-controlled plane. Conflict in China. Stark and Sayre sworn in. Aged man rides bike. Venus contest at Coney Island. Midget auto races. Motor boat races. Daredevils on bicycles.

Lucas-Jenkins Men Conclude Convention

POINT PETER, Ga., Aug. 3.—The entire force of executives and city managers of the Lucas & Jenkins Circuit concluded a three-day meeting here this week at the country estate of Arthur Lucas, circuit president, on this furthermost strip of land in Georgia.

Fresh and salt water swimming, lake and deep-sea fishing were intermingled with round-table discussions of theatre problems.

The meeting was attended by Lucas, William K. Jenkins, vice-president and treasurer; E. E. Whitaker, district manager, and the following city managers and partners: Charles Powell of Moultrie; A. Latimer Heard, Elberton; Moon Corker, Athens; O. L. Benson, Gainesville; Earle M. Holden, Atlanta; Arthur Barry, Macon; William Wilson, Waycross; Mrs. Alma King, Brunswick; Hudson Edwards, Savannah; Willis J. Davis, Atlanta; E. B. Whitham, Atlanta; C. P. Rhino, Accounting Department; A. C. Cowles, Booking Department; and I. L. Shields, Columbus.

Special topics were discussed by Mrs. King, Whitaker, Whitham, Cowles, Rhino, and Davis, with general discussion by all those in attendance.

Sues on Projectors

Radtke Patents Corp. filed suit yesterday in the U. S. District Court asking an injunction against Willoughby Camera Stores, Inc., to restrain it from selling 16 mm. motion picture sound projectors which allegedly infringed upon the plaintiff's patent called, "Method of and means for optically reproducing sound." The plaintiff as assignee of Albert A. Radtke also seeks an accounting and damages against the defendant.

Union Crisis Imperils All Amusements

(*Continued from page* 1)

open at the Imperial Aug. 21. If she is suspended or expelled before that time, the Equity council will cancel her contract.

Stagehands are expected to retaliate by refusing to work, and the Musicians' Union, Local 802, is expected to support the stagehands. Principals and chorus of the show number about 70, with about 20 musicians also in the show.

Vinton Freedley, producer, declined to comment yesterday on his plans in the event that Equity banishes Miss Tucker.

Ask for Loyalty Pledge

A referendum sent to 4-A membership included "a pledge, a vote and a petition." Members were requested to pledge loyalty to the 4-A and its branches, never to be member of the A.F.A. or I.A., and petitioned the A.F. of L. executive council, which meets Monday in Atlantic City, to reject "the impudent attempt of outsiders to interfere in our affairs."

The strike vote reads: "We vote to strike if deemed necessary by the governing board or council of our branch of the 4-A. And if a strike be called by such board or council in the field affected to respond thereto."

Accompanying the ballot was a lengthy letter, which traced the history of the 4-A expulsion of the A.F.A. and the latter's subsequent affiliation with the I.A. Terming the conditions "a public scandal," the letter expressed confidence that the A.F. of L. executive council would correct them.

Constitution Cited

Cited was a provision from the A.F. of L. constitution specifically forbidding any international union from admitting an organization which had been suspended or expelled from another international.

The letter continued with "BUT we must be prepared for any eventuality. . . . We must govern our own affairs independently of domination by Mr. Browne and independently of unjustified interference from any outsider, as we have for the last quarter of a century." An appeal for assistance was made to every star and rank-and-file member to "stand together in this crisis."

AFRA Makes Pledge

Immediate efforts to gain signatures were successful, 4-A officials said, particularly in Hollywood. The 4-A includes S.A.G. (screen), Equity, (legitimate stage), A.F.R.A. (radio), Musical Artists (opera and concert), Brother Artists (burlesque), Chorus Equity, (legitimate stage chorus) Hebrew Actors and Hebrew Chorus, Hungarian Actors, Italian Actors and American Guild of Variety Artists, (vaudeville, night clubs and circus) which supplanted the A.F.A.

Besides suspending Miss Tucker, A.F.R.A. pledged its entire resources for the fight. S.A.G. expelled her earlier this week. Miss Tucker, however, is not presently working in either jurisdiction.

Equity, when it meets today, will probably follow their lead, but a bitter battle in the council is anticipated as some members feel that employment of many members will be jeopardized if the stagehands counterattack.

If it is decided to press the charges, Miss Tucker will be given 10 days to reply and will be entitled to a hearing, but she may be suspended in the interim. She is also entitled to a hearing before the A.F.R.A. board. If the boards sustain the charges, Miss Tucker has recourse to the membership at the next regular meeting, but she will be suspended from all privileges during that time.

"We are bending every effort not to put the actors in the middle," Ralph Whitehead, executive secretary of the A.F.A., declared last night. "If Equity decides to wreak vengeance on Miss Tucker tomorrow, the responsibility for putting more than 100 now employed in 'Leave It to Me' out of work will rest on them.

"Miss Tucker has not received any official notice from Equity, A.F.R.A. or S.A.G., which is supposed to have expelled her Monday night. We are planning no retaliation. When official notices of the expulsion or suspension are received they will be put before the A.F.A. Council. I cannot state what they will do."

Hollywood Previews

"Range War"

(*Paramount-Harry Sherman*)

HOLLYWOOD, Aug. 3.—If all the Harry Sherman "Hopalong Cassidy" pictures for the 1939-'40 Paramount program are to be as good as "Range War," exhibitors need not hesitate in recommending them to their patrons. This feature is entertainment that pleases. Its melodrama action, excitement, semi-mystery, suspense, comedy and secondary romantic love story blend into a compact whole. In commenting on the show, one cannot overlook the audience value of the exceptionally artistic photography of the scenic backgrounds. It is impressive in the manner it amplifies the picture's diversified elements.

Based on a story by Josef Montiague which Sam Robins adapted, Lesley Selander directed the production with a showmanship flair. As usual, William Boyd is natural and convincing in the role of "Hopalong," but while he stars ample opportunity is given Russell Hayden, Britt Wood, Willard Robertson, Francis McDonald and Earl Hodgins to do good work in their respective parts.

Robertson's continual hamstringing of cattlemen, stage coach robbing and railroad sabotaging brings Boyd and his mates, Hayden and Britt, into action. Certain that the only way to reach Robertson is to fight fire with fire, Boyd turns bandit for a time to lure Robertson and his cohorts into a trap. Preceded by the necessary suspense, love story development, surprise and strategy, Cassidy finally gets his foes into a monastery where, to the tune of a loud and lively gun battle, the outlaws are captured and law and order restored in the cattle country.

Running time, 65 minutes. "G."* G. McC.

"Island of Lost Men"

(*Paramount*)

HOLLYWOOD, Aug. 3.—The nerve tingling melodrama which has kept persons coming to film theatres for more since "The Perils of Pauline" reaches a new modern high in Paramount's "Island of Lost Men." It is a story of a self styled "king" whose jungle empire is a refuge for criminals upon whom he preys as well as upon honest men. Laid somewhere in the morasses north of Singapore, the picture presents an opportunity for showmen to engage in spectacular exploitation campaigns.

Expertly cast with Anna May Wong, J. Carrol Naish, Anthony Quinn, Eric Blore, Broderick Crawford, Ernest Truex, Rudolf Forster, William Haade and Richard Loo, and given a pleasing investiture by producer Eugene J. Zukor, "Island of Lost Men" is a robust piece of entertainment. There are no lost motions in the direction of Kurt Neumann and the screenplay of William R. Lipman and Horace McCoy based on the play by Norman Reilly Raines and Frank Butler. There are more chills, thrills and menace packed into its 60 minutes than have been experienced in a similar film for a long time.

To the jungle river island ruled with an iron hand by Naish, in the role of an egotistical, maniacal half caste, comes a pretty Chinese girl, seeking to find her father, a Chinese general who disappeared with $300,000. She is precipitated into the strong drama in which one of the criminals seeking refuge with Naish stirs up a native rebellion, and another inhabitant is bent on the same mission as the girl.

Running time, 60 minutes. "G."* VANCE KING

*"G" denotes general classification.

Small Names Agency

Edward Small Productions, Inc., has appointed the Buchanan & Co. agency to handle advertising on its forthcoming production, as yet untitled, for U. A. release.

U.S. Seeking Studio Labor Fight Peace

LOS ANGELES, Aug. 3.—N.L.R.B. officials today continued efforts to solve Hollywood labor problems insofar as the I.A.T.S.E. and the C.I.O. financed United Studio Technicians Guild are concerned. Separate conferences were held with both groups.

William R. Walsh, senior N.L.R.B. attorney here, had a conference with Charles J. Katz, attorney for the studio technicians. He insisted that an election be held under the board's auspices to determine the collective bargaining agency for the crafts which both organizations claim.

In the face of the I.A. refusal to agree to a vote unless it first obtained a closed shop, Katz suggested that if the International persisted in its stand, the producers could request a vote.

The studio technicians distributed handbills in front of Fox West Coast theatres in an effort to enlist public sympathy for their cause. The handbills are addressed to the producers, asking that action on the I.A. demands be delayed until after N.L.R.B. action.

Broadcasters Plan To Make Own Music

(*Continued from page* 1)

pay fees percentage-wise on all programs regardless of whether or not they use Ascap music;

(2) To reduce radio's annual toll to Ascap, now running about $4,000,000 a year;

(3) To bring about a more equitable distribution of the charges among the broadcasters themselves;

(4) Encourage and foster the writing of new music;

(5) To arm themselves with their own music.

Principal efforts of the radio music committee will be toward engaging authors and composers with a view to building up a music reserve, and the arranging and popularizing on the air of music now in the public domain which is not controlled by the Copyright pool. He said efforts would be made to enter into making arrangements with such publishers, composers and authors as have not yet renewed their contracts with the Society.

NAB's decision was announced following yesterday's meeting where, Miller said, they were told by Ascap that the society still was not ready to make any proposals to the broadcasters. The NAB has been attempting for some time past to get new terms for the 1941 contract.

Ascap officers were unavailable for comment.

Correction

UNITED ARTISTS wishes to advise exhibitors that in its product announcement in this issue, DAVID NIVEN should appear as co-star with Loretta Young in the Walter Wanger Production, "ETERNALLY YOURS."

ISSUE OF MOTION PICTURE DAILY Friday, August 4, 1939

celebrating UNITED ARTISTS Twentieth Anniversary

UA's Expansion Remarkable

Distributing Setup Success from Start

By ALBERT MARGOLIES

EARLY in 1919, five of the famous box-office names in motion pictures, under the leadership of William G. McAdoo, who had a short time before resigned as Secretary of the Treasury, formed the United Artists Corporation to distribute their pictures. These five famous persons were Mary Pickford, Charles Chaplin, Douglas Fairbanks, William S. Hart and D. W. Griffith.

All excepting Hart are still in the company. D. W. Griffith is presently associated with Producer Hal Roach whose pictures are released by U. A. Chaplin and Fairbanks are returning to production this year, and Mary Pickford exercises an active interest in the company's affairs.

McAdoo was invited to head the company, but declined in favor of his assistant, Oscar A. Price, and that's how Price came to be the first United Artists president. He held the post for about a year.

Then, as now, the stock of the company was divided among the producing members.

Hiram Abrams succeeded Price as president. Dennis O'Brien (O'Brien, Driscoll & Raftery) was vice-president. The O'Brien firm and Schwartz & Frohlich are still counsel for the company. Charles Schwartz and Louis Frohlich were friends and associates of the late Nathan Burkan. Burkan was a vital factor in the affairs of United Artists during his lifetime. Burkan made the deal under which Samuel Goldwyn joined United Artists and was a friend and adviser of Maurice Silverstone, present head of the company's world-wide operations.

Producers Own Bosses

United Artists was organized as a distributing company. It has always been that, leaving production entirely to independent producers who finance themselves and are their own bosses. In the 20 years of its existence, United Artists has adhered to this principle and while the company has helped producers from time to time financially, the company never has gone into production on its own.

Today producers who are non-owners also share in the profits of the company, along with stockholder-producers under a plan which was conceived and executed under direction of Maurice Silverstone.

In the first ten years of the company's existence, United Artists historians record that the founders swelled their ranks by releasing pictures for 29 producers and adding three additional owner-members.

Joseph M. Schenck, who had been producing, Buster Keaton, Norman and Constance Talmadge became the first new stockholders in 1924. Schenck also was named chairman.

In 1926 Hiram Abrams died and Schenck became president and Al Lichtman, general manager.

During the Schenck-Lichtman administration, the company underwent a period of expansion. The most important event was the formation of 20th Century Pictures by Schenck and Darryl Zanuck. Twentieth Century embarked on an ambitious and successful schedule of big pictures.

Schenck, not only had brought Norma Talmadge into the fold, but John Barrymore, Gloria Swanson, also Samuel Goldwyn, Morris Gest,

(Continued on page 20)



MAURICE SILVERSTONE
Marks 20th Anniversary With United Artists

By SAM SHAIN

IT took Hiram Abrams two minutes to hire Maurice Silverstone, and it took Maurice Silverstone just one minute to go to work for United Artists.

This happened in 1919, when Joseph Schenck met Silverstone on Broadway and asked him to walk over to Abrams' office. Silverstone was accompanied by the late Nathan Burkan. The entire conversation between Abrams and Silverstone on that day lasted no more than three minutes.

"Will you go to Mexico?" Hiram Abrams asked.

"I'll go anywhere," Murray Silverstone answered.

"Will you go tomorrow?"

"Yes."

Silverstone's service with United Artists has been unbroken since that day, and it has been a steady and successful march upward. He is chief of the world-wide operations of the company which is now celebrating its twentieth anniversary. It is also Silverstone's twentieth anniversary with that company.

Prior to that time, Silverstone had been general manager of the International Film Company, which later became Cosmopolitan, which was owned by William Randolph Hearst. Silverstone had been a member of the staff of District Attorney Charles S. Whitman, when Judge Clarence J. Shearn, attorney for the Hearst interests, invited him to join International.

Today, under Silverstone, the United Artists organization comprises twelve producers, the greatest number since it was formed. The roster includes David O. Selznick, Alexander Korda, Samuel Goldwyn, Charles Chaplin, Douglas Fairbanks, Walter Wanger, Edward Small, Hal Roach, Richard Rowland, Ernst Lubitsch, David Loew and Sol Lesser.

Silverstone spent months in Mexico. He was

(Continued on page 20)

12 Producers On UA Roster

New Season Product Greatest in History

By MONROE GREENTHAL
Director of Exploitation and Sales Promotion of United Artists.

WITH 12 producers making 28 to 32 pictures, United Artists' 1930-'40 season represents one of the most extensive releasing programs undertaken by the organization in the 20 years of its history.

Besides contributions from David O. Selznick, Samuel Goldwyn, Alexander Korda, Walter Wanger, Hal Roach and Edward Small, the new season will mark the return to active production of Douglas Fairbanks and Charles Chaplin, as well as the addition of four new producers to the United Artists organization—David L. Loew, Sol Lesser, Ernst Lubitsch, and Richard Rowland.

From the Selznick International Studios will come four productions, including "Intermezzo," starring Leslie Howard and introducing to American audiences the beautiful new continental star, Ingrid Bergman.

This will be followed by "Rebecca," based on the famous best-seller by Daphne Du Maurier,

(Continued on page 20)

Industry Salutes United Artists!

IT is appropriate that the industry should give recognition, at this time, to United Artists Corporation, on the occasion of that company's twentieth anniversary, and MOTION PICTURE DAILY is happy to add its voice in acclaiming the event.

In the fifth of a century of its operation, United Artists has reflected credit generously upon the motion picture business. It has won a reputation for bringing the finest of amusement to a world-wide public.

Brilliant productions by brilliant producers have made United Artists a vital company, and the industry whose thousands of theatres play United Artists pictures has had a share in the success of the company.

Maurice Silverstone, chief of the world-wide operations of United Artists, is the personification of the company's achievement. He has served United Artists around the world and today sits at the head of the company.

To United Artists, to Maurice Silverstone, to the producers, and to the company's world-wide staff, congratulations!

—SAM SHAIN

UNITED ARTISTS

acknowledges
with gratitude
the friendship
and support
of exhibitors

thru

TWENTY GOLDEN YEARS

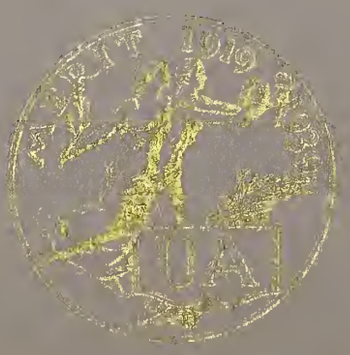
and points with
pride to an even
more brilliant
future as today it
attains its greatest
producer strength

Mary Pickford Charles Chaplin Douglas Fairbanks
Samuel Goldwyn Alexander Korda

INDIVIDUALLY

"BACK OF EVERY GREAT PICTURE IS A GREAT PRODUCER"

Murray Silverstone



DISTINCTION and showmanship are the reasons why the public, exhibitors and critics alike look forward to each new DAVID O. SELZNICK production with an assured foreknowledge of quality. It is therefore with pride that UNITED ARTISTS announces continuance of its releasing agreement with Selznick International Pictures.

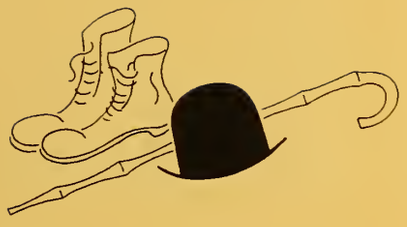
ORIGINALITY of the Selznick organization is reflected in the starring of Leslie Howard in **INTERMEZZO,** which introduces the beautiful new continental star Ingrid Bergman, with Edna Best, and will be released this season. Mirroring the infatuation of a famous musician for his young accompanist, and the swift events that engulf them, this newest Selznick production dares to depict problems found in the lives of millions concentrated in the lives of three.

SURPRISE and excitement, the two priceless ingredients of any motion picture, are what DOS has captured for the filming of **REBECCA,** the year's outstanding best-seller by Daphne Du Maurier, 400,000 copies of which have been sold since publication last fall. With Man-of-the-Hour Laurence Olivier in the leading role, Alfred Hitchcock—whose superb treatment of "The Lady Vanishes" and other films has earned him the title "Master of Melodrama"—will direct. Details of two more Selznick International pictures will follow soon.



DAVID O. SELZNICK

☆



CHARLES CHAPLIN

Chaplin's first all-talking picture — Chaplin's first picture in three years — based on the most timely, most important topic in the world today, is now in production. **CHARLES CHAPLIN in "THE GREAT DICTATOR"**, the season's big-news picture, will climax the magnificent career of the greatest of all screen stars. In connection with his plans, Mr. Chaplin says: "I am making a comedy picture on the lives of dictators which I hope will create much healthy laughter throughout the world."



ALEXANDER KORDA

Five big, important scope pictures — all of them in the breathless beauty of final Technicolor perfection—will comprise Alexander Korda's box-office activities for 1939-40. First: **FOUR FEATHERS** . . . 7,200 seconds of flesh-and-blood excitement, filmed in actual locales in the heart of Africa, bringing authentic thrills no screen has ever held before. Directed by Zoltan Korda with Ralph Richardson, C. Aubrey Smith, John Clements and June Duprez. Second Korda hit: **OVER THE MOON,** giving Merle Oberon, star of "Wuthering Heights", her first comedy role in a story by Robert E. Sherwood. Third Korda hit: **THE THIEF OF BAGDAD** starring Sabu, Conrad Veidt and John Justin in a spectacle that promises to have the most unique appeal in years. Fourth Korda hit: Merle Oberon in **SINNER,** with Laurence Olivier, from "Manon Lescaut", the famous love story of a passion-swept man and woman. And Fifth: Kipling's **THE JUNGLE BOY** with Sabu in the title role.

Douglas Fairbanks resumes his production activities by presenting THE CALIFORNIAN, the kind of colorful, romantic, action picture which in the past made his own starring vehicles so sensationally successful at the ticket window. Now in the role of producer, instead of star, Mr. Fairbanks will soon announce a cast of vigorous marquee strength for this production based on the dramatic career of Lola Montez, dancer, adventuress and sweetheart of kings. The exploits of this exotic woman in the pioneer country of Southern California constitute one of the strangest and most glamorous stories in history.



DOUGLAS FAIRBANKS



SAMUEL GOLDWYN

Samuel Goldwyn Standards of Showmanship — Samuel Goldwyn Business — will be even higher this year than it was with "Wuthering Heights", "The Hurricane", "Dead End" or "Stella Dallas". For Goldwyn starts your new picture season with a new note in entertainment — Jascha Heifetz in THEY SHALL HAVE MUSIC with Andrea Leeds, Joel McCrea, Walter Brennan and Gene Reynolds, directed by Archie Mayo. Back of this picture is the specific purpose of attracting new patronage for you thru the magic music of Heifetz, with all your regulars revelling in a down-to-earth story of kids with dirty faces and hungry hearts. Mr. Goldwyn's next picture will be Gary Cooper in a fighting role in THE REAL GLORY with Andrea Leeds and David Niven, under the direction of Henry Hathaway . . . a roaring thrill-and-action picture of American soldiers in the Philippines, always outnumbered . . . never outfought.

Famous for his showmanship innovations, Wanger leads off with **WINTER CARNIVAL** starring Ann Sheridan, the most exploitable star since he gave you Hedy Lamarr in "Algiers". This picture of winter sports, youth and fun, takes you behind the scenes at Dartmouth when 1,500 wild women hit the campus. Richard Carlson, Helen Parrish, Robert Armstrong, Marsha Hunt, James Corner and Alan Baldwin give additional cast interest, with Charles R. Riesner directing. Next will be Joan Bennett in **THE HOUSE ACROSS THE BAY** the story of a woman who dared hope for love while her man was in Alcatraz. **MY PERSONAL LIFE** by Vincent Sheean takes a reporter around an action-teeming world. **ETERNALLY YOURS** starring Loretta Young and directed by Tay Garnett, gives your audience the hilarious low-down on a magician with every trick up his sleeve except how to manage his women. Fifth from Wanger will be **SEND ANOTHER COFFIN** by F. G. Presnell, with more laughs per murder than "The Thin Man".

WALTER WANGER





From the greatest stories of today and yesterday, the producer of "The Count of Monte Cristo" and "The Man in the Iron Mask", has shaped his new season's plans. Half a million readers of Howard Spring's best-selling novel, **MY SON, MY SON!**, are waiting for cast announcements on this story of two fathers and their dreams for their boys. Twelve thousand exhibitors are cooperating with Mr. Small on a direct-to-the-public poll for star selections. **TWO YEARS BEFORE THE MAST** by Richard Henry Dana, translated into 25 languages and reaching a book sale of 1,320,000 copies, will follow. Then watch for **THE HOUSE OF MONTE CRISTO**, unfolding the further amazing exploits of the most fabulous character ever written into a book or pictured on the screen; **KIT CARSON** based on the career of the colorful frontier hero and adapted from the newspaper serial read by 17,000,000 Hearst readers; **SOUTH OF PAGO PAGO**, a big production of tropic glamour; and finally **VALENTINO**, the life of the greatest of all popular idols, an idea which has brought Mr. Small congratulatory letters from thousands of exhibitors.

EDWARD SMALL

HAL ROACH

Hal Roach's five special feature productions cover the entire range of audience interest from gay laughter to stark drama. First will be a slight case of murder involving the only girl who's got more than the farmer's daughter—**THE HOUSEKEEPER'S DAUGHTER,** from the novel by Donald Henderson Clarke, co-starring Joan Bennett and Adolphe Menjou with Peggy Wood. Next the famous novel and play that shocked a million people by its realism, **OF MICE AND MEN,** by John Steinbeck, author of "The Grapes of Wrath". Lewis Milestone will direct. Thorne Smith, author of the "Topper" novels in **TURNABOUT** tells hilariously about a husband and wife who change places and sexes. For adventure follow **CAPTAIN CAUTION** by Kenneth Roberts, author of "Northwest Passage". And then the startling, astounding **1,000,000 B. C.,** dramatizing the birth of civilization at the dawn of time . . with special effects by Lewis Tallhurst who took similar credit on "The Good Earth". In addition to these five specials, **LAUREL & HARDY** will be reunited in **FOUR 4-REEL FEATURES** to carry them to new heights of popularity.



The box-office astuteness of SOL LESSER as a production expert is well known to every exhibitor. The box-office distinction of ERNST LUBITSCH as a director is recognized wherever pictures play. These two names are linked for the first time by UNITED ARTISTS which is happy to add them to its list of eminent producers. Mr. Lubitsch will personally direct an untitled ERNST LUBITSCH PRODUCTION, details of which will soon be announced. Mr. Lesser will produce the Pulitzer Prize Play of 1938, OUR TOWN by Thornton Wilder. Our Town is every American town superbly charged with humanness, romance and dramatic simplicity...so appealing that Alexander Woollcott said: "In all my days as a theatregoer, no play moved me so deeply."

ERNST LUBITSCH ★ SOL LESSER





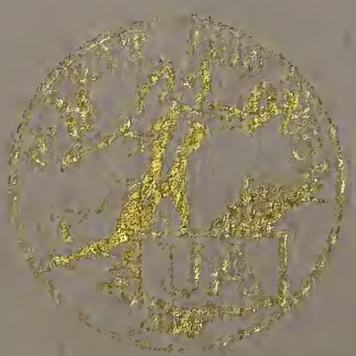
DAVID L. LOEW

It is with a very special pride that UNITED ARTISTS welcomes to its organization a distinguished member of a distinguished motion picture family who have contributed their talents abundantly to the benefit of the film industry. DAVID L. LOEW brings to production a thorough, practical knowledge of theatres and theatre problems through years of experience in actual theatre operation. His long studio activity, too, has proved dramatically his qualifications as a top UNITED ARTISTS producer. His first release will be the picturization of **A CELEBRATED PLAY** now in the final stages of negotiation. Watch for the early announcement of its famous title and the stars who will appear in its cast.

INDIVIDUALLY

DAVID O. SELZNICK
CHARLES CHAPLIN
ALEXANDER KORDA
DOUGLAS FAIRBANKS
SAMUEL GOLDWYN
WALTER WANGER
EDWARD SMALL
HAL ROACH
ERNST LUBITSCH
SOL LESSER
DAVID L. LOEW

RELEASED THRU UNITED ARTISTS



Biggest Selznick Season

By WILLIAM HEBERT

SELZNICK International Pictures will have the busiest production season of its history in 1939-'40 following the release of current productions, "Gone with the Wind" and "Intermezzo," it is disclosed by John Hay Whitney, chairman of the board, and David O. Selznick, president. The company is preparing to make five pictures, in addition to the two now being readied for release.

In eight years, David O. Selznick has created more box-office successes than any other producer, according to *Fame's* survey of motion picture progress.

Selznick has brought to the screen 26 pictures which have been No. 1 attractions at the box-office. He has earned the honor of being ranked as the screen's No. 1 producer. It is significant that every one of these Selznick pictures has been rated high artistically as well as financially.

Selznick now launches his fourth season as a producer for United Artists. First of his new product for United Artists is "Intermezzo," starring Leslie Howard, who also is associate producer.

Second on the Selznick program is "Rebecca," about to go into produc-

(Continued on page 38)



ALEXANDER KORDA



DAVID O. SELZNICK

Korda Hails 'Bagdad'

By ALEXANDER KORDA

FOLLOWING the general release of "Four Feathers" throughout America this month I will have concluded the film upon which I am prepared to stake a great deal. This is "Thief of Bagdad," which, I am prepared to say, now that it is three-fourths completed, will be one of the most unusual pictures ever to be made at any studio.

Photographed in magnificent color, because this type of story would suffer greatly in black and white, it will present a challenge to the imagi-

(Continued on page 41)

Million Dollar Wanger Films

WALTER WANGER believes that the day of the million-dollar picture is just beginning. He plans to make four high budget films for 1939-'40, his most ambitious program since he began to produce on his own.

Topping the Wanger list is "Eternally Yours," co-starring Loretta Young and David Niven with a supporting cast of Hugh Herbert, Broderick Crawford, Billie Burke, Zasu Pitts, C. Aubrey Smith, Virginia Field and Raymond Walburn. The script is a Gene Towne-Graham Baker original. Tay Garnett is directing. Werner Jenssen, conductor of

(Continued on page 47)



SAMUEL GOLDWYN



WALTER WANGER

$5,000,000 Roach Budget

By FRANK SELTZER

THE Twentieth Anniversary celebration of United Artists marks also the first anniversary of the association of Hal Roach Studios with United Artists. For the 1939-'40 season, the second under the United Artists banner, Roach announces the most ambitious program in his history.

More than $5,000,000 will be spent on five pictures and a series of four Laurel and Hardy comedies.

Realizing that good story material is one of the most important factors in turning out screen product of major proportions, Hal Roach, operating head of the studio that bears his name, is basing his program on five recognized best-selling novels.

First of the features, now nearing completion, is adapted from Donald

(Continued on page 47)



HAL ROACH



SOL LESSER



ERNEST LUBITSCH



EDWARD SMALL



DAVID LOEW



R. A. ROWLAND

D aring Romance

O verwhelming Love Story

S ensational Entertainment

Selznick International

presents

LESLIE HOWARD

in

INTERMEZZO

introducing

INGRID BERGMAN

with

EDNA BEST

Associate Producer - - LESLIE HOWARD

Director - - GREGORY RATOFF



D ynamic Stars in an

O minous melodrama with a

S tartling climax

Selznick International

presents

Daphne du Maurier's

REBECCA

with

LAURENCE OLIVIER

and

a strong cast to be announced

Producer - - DAVID O. SELZNICK
Director - - ALFRED HITCHCOCK





A PLAIN STATEMENT...

Every now and then comes a picture too big for wornout film adjectives. FOUR FEATHERS is such a picture...a panorama of adventure in the real Sudan where 3,000 men and a girl lived six months to bring you this story of cowardice redeemed by blood-drenched courage.

You will see the 8,000 Dervishes in all their primitive savagery...1,800 camels in thundering stampede . . . Kipling's fierce Fuzzy-Wuzzies...in Kitchener's roaring victory at Ombdurman on a battlefield ten miles wide. All told with suspense-charged action. All filmed in the startling magnificence of finally perfect color.

ALEXANDER KORDA *presents*

FOUR FEATHERS

with **RALPH RICHARDSON • C. AUBREY SMITH • JOHN CLEMENTS • JUNE DUPREZ**

Directed by **ZOLTAN KORDA**

IN TECHNICOLOR

RELEASED THRU UNITED ARTISTS



— it is no idle boast that "ETERNALLY YOURS" co-starring Loretta Young and David Niven, as the new season's most romantic team, represents the finest attraction we have ever produced.

The Cast—
LORETTA YOUNG
DAVID NIVEN
HUGH HERBERT
BILLIE BURKE
C. AUBREY SMITH
BRODERICK CRAWFORD
ZASU PITTS
VIRGINIA FIELD
RAYMOND WALBURN
EVE ARDEN
RALPH GRAVES
FRED KEATING

The Story—
ORIGINAL SCREENPLAY
GENE TOWNE and
GRAHAM BAKER

Released thru
UNITED ARTISTS
in early fall.

¶It has all of the elements of box office appeal—romance, suspense, thrills, smart comedy situations and dialogue; magic elaborate settings and wardrobe, a compelling story enacted by a brilliant cast and directed by TAY GARNETT.

Walter Wanger

A Fitting

Anniversary

Present

Box Office Results!

San Francisco . . New York City . . Asbury Park . . . Philadelphia . . . Hartford . . . New Haven . . Atlantic City . . . Santa Barbara . . . wherever it has been shown the result has been the same . . . smashing summer box office records.

THE MAN IN THE IRON MASK

starring

LOUIS HAYWARD JOAN BENNETT

is

EDWARD SMALL'S

Box Office Salute to United Artists on the occasion of its

TWENTIETH BIRTHDAY



And Looking

Ahead—Not 20

Years, but a few months

The same brand of showmanship that made THE COUNT OF MONTE CRISTO one of the greatest box office pictures of all time and which has endowed its worthy successor, THE MAN IN THE IRON MASK, with the same profitable characteristics, will bring you a program of pictures as part of the 1939-40 offering of United Artists.

Great subjects—great titles—great writers—great directors—great casts—everything that showmanship can do to provide the kind of entertainment that the public wants will be found in such pictures as—

MY SON, MY SON!

SOUTH OF PAGO-PAGO

TWO YEARS BEFORE THE MAST

THE LIFE OF VALENTINO

KIT CARSON, AVENGER

THE HOUSE OF MONTE CRISTO

EDWARD SMALL

PRODUCTIONS, INC.



READY AND

for a



"The HOUSEKEEPER'S

Hal Roach

starring

JOAN BENNETT · ADOLPHE MENJOU

with **JOHN HUBBARD • WM. GARGAN • GEORGE E. STONE**

PEGGY WOOD • DONALD MEEK • MARC LAWRENCE

WAITING....

Big September Date!



presents

DAUGHTER"

DIRECTED BY HAL ROACH

FROM THE NOVEL BY DONALD HENDERSON CLARKE

Screen Play by
Rian James and Gordon Douglas

★

and

RARIN' TO WOW 'EM LIKE NEVER BEFORE!

Stan **LAUREL** and *Oliver* **HARDY**

in

"A CHUMP at OXFORD"

★

Streamlined to the New 4 Reel Screamlined Length

FRANK LLOYD

July 28, 1939.

Dear Dick:

Best wishes on your deal with United Artists!

There is no doubt you are starting off on the right foot by selecting "MISS BISHOP" by Beth Streeter Aldrich as your first vehicle, as I consider it one of the most entertaining and best pieces of American literature I have had the pleasure of reading.

Kindest regards.

Sincerely,

Frank Lloyd

"Thank you, Frank Lloyd"

DICK ROWLAND



Saluting the industry's greatest producers, banded together through United Artists

RICHARD A. ROWLAND

proudly announces that his first production for U.A. release will be

"THREE CHEERS FOR MISS BISHOP!"

starring

BARBARA STANWYCK

in the greatest role of her career—with a mighty supporting cast

directed by

ARCHIE MAYO

"THREE CHEERS FOR MISS BISHOP!"

is the touching, entrancing story of America's progress, seen through the eyes of one woman—a woman who has played a part in the life of every man, woman or child. It has magnitude, lure and charm.



United Artists Sales Personnel



HARRY L. GOLD
Vice President



L. J. SCHLAIFER
Vice President



Sam Glazer and D. Axler of Toronto, A. Feinstein of Calgary, A. J. Jeffrey of Montreal, C. S. Chaplin of St. John, Sam Nagleer of Vancouver, Dave Griesdorf, Haskell M. Masters and V. Rackow of Winnipeg.



T. L. DAVIS



B. J. ROBBINS



JAY SCHRADER



RALPH CRAMBLET



M. DUDELSON



G. R. FRANK



HARRY BODKIN



H. M. MASTERS



EARL COLLINS



DENNIS McNERNEY



SYD LEHMAN



J. D. GOLDHAR



IRVING SCHLANK



MOE STREIMER



CHARLES STERN



FRED G. ROHRS



D. V. McLUCAS



BEN FISH



J. J. DERVIN



EWEN MacLEAN



GUY F. NAVARRE



W. E. TRUOG



LOU WECHSLER



J. S. ABROSE



DAVID PRINCE



A. M. GOODMAN

Congratulations from

Gary Cooper

and

Henry Hathaway

Next:

The Real Glory





LEWIS MILESTONE

PRODUCER-DIRECTOR

"OF MICE AND MEN"

A HAL ROACH PRODUCTION
FOR UNITED ARTISTS RELEASE





CHARLES BOYER

ON THE OCCASION OF THE TWENTIETH ANNIVERSARY OF UNITED ARTISTS I WISH TO EXPRESS MY PLEASURE IN HAVING BEEN ASSOCIATED WITH MR. WALTER WANGER AND MR. DAVID O. SELZNICK IN THE MAKING OF PICTURES FOR UNITED ARTISTS RELEASE.



GEORGE BRUCE

"THE DUKE OF WEST POINT"

ORIGINAL SCREEN PLAY

•

"KING OF THE TURF"

ORIGINAL SCREEN PLAY

•

"THE MAN IN THE IRON MASK"

SCREEN PLAY

•

PREPARING FOR IMMEDIATE PRODUCTION

"SOUTH OF PAGO PAGO"

ORIGINAL SCREEN PLAY

•

EDWARD SMALL PRODUCTIONS

FOR

UNITED ARTISTS RELEASE





ALFRED
HITCHCOCK



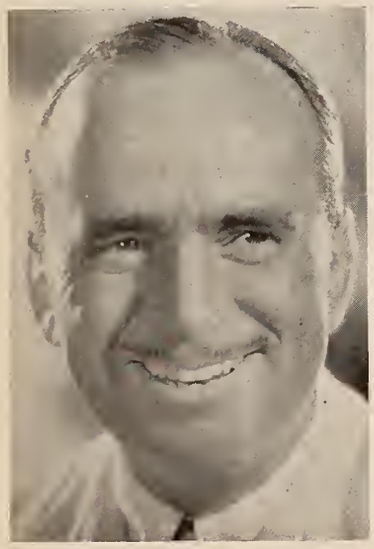
Noted Stars Who Formed Company



MARY PICKFORD



CHARLES CHAPLIN



DOUGLAS FAIRBANKS, SR.



D. W. GRIFFITH

20th UA Year For Silverstone

(Continued from page 5)

next assigned to Australia and New Zealand. He remained there for two years and then was named general manager of British distribution.

United Artists business in the British Isles was developed to the highest point in the company's history during Silverstone's administration.

Silverstone soon was promoted to the managing directorship of United Artists in Great Britain, and in 1934 his field of activity was extended to the entire European continent.

Maurice Silverstone was born in New York City December 4, 1895, and educated in the public schools of New York. He holds a law degree from New York University.

Hitchcock's Genius Lauded

ONE of the important events in the current motion picture season is the initiation of Alfred Hitchcock into American film production. He is now occupied with the direction of "Rebecca" for David O. Selznick, one of the important films to be released by United Artists in 1939-40.

Alfred Hitchcock comes to Hollywood as a man whose reputation has attained top-notch standards in the international motion picture field. He is no novice, no experimenter, no seeker after strange effects. That he is one of the greatest down-to-earth box-office directors is attested by such of his hits as "The 39 Steps," "Secret Agent" and "The Lady Vanishes."

UA Expansion Remarkable

(Continued from page 5)

and Corinne Griffith. Samuel Goldwyn's success prompted his election as an owner-member of United Artists in 1927. Walt Disney likewise released his Mickey Mouse cartoons and Silly Symphonies through the company.

Reliance Pictures, Inc., organized by Edward Small and Harry M. Goetz, joined the roster of United Artists producers in 1932. Small is still with United Artists.

Alexander Korda organized his London Films Production in 1932, and a year later became affiliated with United Artists.

Schenck's Art Cinema Corp. was liquidated following the creation of 20th Century Pictures by Schenck and Zanuck, and the United Artists Theatre Circuit, first-run deluxe country-wide theatre chain, headed by Schenck, is not connected with United Artists Corp.

Schenck Withdraws

When 20th Century Pictures merged with the Fox Film Corporation, Joseph Schenck withdrew from United Artists to become chairman of 20th Century-Fox, and Al Lichtman was offered the presidency of the company. When Lichtman resigned to join Metro-Goldwyn-Mayer, the stockholders named Arthur Kelly, the company's foreign chief, as head of the world-wide operations pro tem. Korda, in the meantime, had become a stockholder in the company, replacing Schenck.

Shortly thereafter, Dr. A. H. Giannini was induced to take the presidency. George J. Schaefer became general manager and head of domestic sales. Schaefer came from Paramount.

Selznick International, owned by John Hay Whitney and David O. Selznick, became associated with United Artists in 1935. Selznick resigned from Metro-Goldwyn-Mayer. Walter Wanger joined United Artists in 1937.

Silverstone as Chief

By this time, Murray Silverstone had circled the globe in the service of United Artists. With the reorganization of the executive forces about a year ago, Silverstone, who was chief of United Artists' operations in England and on the Continent, was summoned from London to head the company's world-wide activities.

He was succeeded in London by E. T. Carr and George Archibald, who were made joint managing directors in England.

Silverstone undertook expansion of the company. New producers joined the organization, among whom were Ernest Lubitsch, Sol Lesser, David Loew and Richard Rowland. New long-term contracts were negotiated with all the producers, under which producers releasing through United Artists today are under contract for seven years.

Among the most important events since Silverstone became head of United Artists was the signing of David O. Selznick to a new releasing deal.

Silverstone, in addition to instituting a profit-sharing plan for producers, under which they participate in the company's earnings, along with the stockholder producers, elevated Harry L. Gold and Jack Schlaifer to the chief sales position in the company. Gold and Schlaifer also were named vice-presidents. Gold is Eastern sales head and Schlaifer Western sales head.

Under Silverstone's direction, United Artists no longer is a company ruled by one or two producers. It is a distributing company releasing individually-financed product which meets the high quality standard established by United Artists in its twenty years of progress.

As United Artists celebrates its Twentieth Anniversary, the ownership of the company is vested in five producer-owners—Alexander Korda, Mary Pickford, Samuel Goldwyn, Douglas Fairbanks and Charles Chaplin.



12 Producers On UA Roster

(Continued from page 5)

and starring Laurence Olivier. It will be directed by Alfred Hitchcock, who made "The Lady Vanishes" and who has won a world-wide reputation for his masterly treatment of melodrama on the screen. It will be followed by two more Selznick productions, as yet untitled.

"The Great Dictator" is the title of Chaplin's first picture in three years, and the first all-talking film he has ever made. It will be, in Chaplin's own words, "a comedy picture on the lives of dictators which I hope will create much healthy laughter throughout the world."

Alexander Korda will have at least five pictures, all in color, headed by "Four Feathers," starring Ralph Richardson and C. Aubrey Smith and filmed largely in the actual locales of the Anglo-Egyptian Sudan.

"Over the Moon" will bring Merle Oberon to the screen in a story by Robert E. Sherwood, author of "Abe Lincoln in Illinois." This will be followed by "Thief of Bagdad," starring Sabu, and "Sinner," with Merle Oberon, adapted from Prevost's "Manon Lescaut." Fifth on the Korda program is Kipling's "The Jungle Boy," with Sabu.

From Goldwyn there are two productions: Jascha Heifetz in "They Shall Have Music," with Joel McCrea and Andrea Leeds, and Gary Cooper in "The Real Glory," with David Niven and Andrea Leeds—a story of American soldiers in the Philippines.

First of Wanger's five productions is Ann Sheridan in "Winter Carnival." This will be followed by "Eternally Yours," with David Niven and Loretta Young; Joan Bennett in "The House Across the Bay"; "My Personal Life," adapted from the Vincent Sheean best-seller, and "Send Another Coffin," from the mystery thriller by F. G. Presnell.

Edward Small contributes six productions to the United Artists pro-

(Continued on page 41)

"Samuel Goldwyn's

THEY SHALL HAVE MUSIC!



has

THRILLS

says **FRANK BUCK**
celebrated big-game hunter

"If I know anything about THRILLS this picture has them! I was thrilled thru every minute of it!"

Frank S. Buck

SAMUEL GOLDWYN *presents*
Jascha HEIFETZ
in
THEY SHALL HAVE MUSIC!
with ANDREA LEEDS • JOEL McCREA
GENE REYNOLDS • WALTER BRENNAN
Directed by ARCHIE MAYO
Released thru UNITED ARTISTS

Record UA Sales Year

Accounts Show Heavy Increase

DURING the past year, the United Artists domestic sales organization, headed by Harry L. Gold and L. J. Schlaifer, vice-presidents, has achieved selling results never before attained in the 20-year history of United Artists. United Artists sells pictures individually and gets preferred playing time.

The company's widely publicized slogan has been:

"Behind every great picture is a great producer -- behind United Artists pictures are the industry's greatest producers."



A. I. Weiner



B. M. Stearn

The sales organization ever keeps this slogan in mind.

After compiling an extraordinary record for the past 12 months, it might be truthfully stated that behind United Artists pictures and producers there is one of the greatest selling organizations in the industry.

Both in Canada and the States there have been new records established. Exhibitors have accorded United Artists films greater holdover time and extended playing time than the company has enjoyed previously.



C. Eiseman



H. Dudelson

During the past season United Artists pictures have played to a greater number of accounts than any previous season.

This kind of sales coverage is proof enough of the strong selling personalities of the district managers and the rank-and-file salesmen and the branch managers.

The company's district managers are: Haskell L. Masters, in charge of the Canadian sales; Ben Fish, District Manager for the Los Angeles territory; J. D. Goldhar, District Manager making his headquarters at Detroit; David Prince, Southern District Manager; Bert M. Stearn, with headquarters at Cleveland; Charles Stern, Eastern District Manager, and Moe Streimer, Special Representative, with headquarters at the New York Exchange.

Each of these district managers supervise company sales in an important section of the country and Canada. They are vital factors in the United Artists organization.

In the Home Office, Paul Lazarus is in charge of the handling of contracts. He forwards the various deals to the producers' representatives and sends their approval to the various Exchanges in which the deals originate; Phil Dow acts as assistant to Vice-President Harry L. Gold, for the east, and Seymour Poe assists with the many departmental details in the Western Division as assistant to L. J. Schlaifer. and "The Animal Kingdom."



E. T. CARR



GEORGES ROUVIER



GEORGE ARCHIBALD

Biggest Selznick Season

(Continued from page 3)

tion under the direction of Alfred Hitchcock, with Laurence Olivier and Judith Anderson.

Selznick is one of a family whose fame in the theatrical world is outstanding. His father, Lewis J. Selznick, was a noted pioneer in both production and exhibition. His brother, Myron Selznick, is one of the most important actor's representatives.

Born in Pittsburgh, May 10, 1902, David was taken to New York by his parents while still of school age. Before he finished a term at Columbia University, Selznick went to Hollywood to "grow up with the business."

Landing a job at Metro-Goldwyn-Mayer, he did not rest until they gave him a picture to produce. It was a Tim McCoy western, and he came in one day with two pictures "in the can" instead of one. He explained he took two sets of stars and worked the same supporting cast twice.

Two years later, he was an associate producer at Paramount, where he made "Forgotten Faces," "Street of Chance" and "Four Feathers." Later, he became executive assistant to the managing director, and for a time was in charge of the huge Paramount studio. During that time, he made "Honey," "Manslaughter" and "The Texan."

Selznick introduced the system of unit production, with an associate producer being responsible for the pictures he made. As he says, "This is the only way to make good pictures."

Trying his new system at RKO, Selznick made a brilliant series, including "The Lost Squadron, "Symphony of Six Million," "Bird of Paradise," "What Price Hollywood," "A Bill of Divorcement," "Topaze"

When he returned to M-G-M, he made "Dinner at Eight," "Dancing Lady," "Viva Villa," "Manhattan Melodrama," "Night Flight," "Anna Karenina," "David Copperfield" and "A Tale of Two Cities."

But it was when Selznick left M-G-M to head his own company that many of his best known pictures were made: "Little Lord Fauntelroy," "The Garden of Allah," "A Star Is Born," "The Prisoner of Zenda" and presently, "Intermezzo," and "Gone with the Wind."

Always ahead of his competitors in purchasing new screen material, Selznick has obtained many valuable screen properties before it was generally known they were marketable.

"Ordeal," novel by the celebrated British writer, Nevil Shute, was purchased before publication, as were "Gone with the Wind" and "Rebecca."

Selznick read the galley proofs of "Rebecca" in advance of publication a year ago and bought the novel outright for screen adaptation.

The book sold 400,000 copies and appeared as the "novel-of-the-month" in the *Ladies' Home Journal,* a magazine of 3,000,000 circulation.

The Du Maurier novel is on publishing records as one of the sensational literary achievements of recent years. The sales began immediately on publication, forcing a second edition within a month, which was followed in rapid succession by others. Book sales continued to increase following publication in the *Ladies' Home Journal.*

Carole Lombard is scheduled to head the cast of "The Flashing Stream," hit play by Charles Morgan which ran more than a year in London. Miss Lombard has the part of a brilliant government agent at work on a secret war device.

Also scheduled for production are "Freedom of the Press," cavalcade of American journalism, and "Titanic," the story of the most dramatic ocean disaster in modern history. Alfred Hitchcock, who won the New York Critics' annual award for "The Lady Vanishes," will direct "Titanic."

Maude Adams, already an almost legendary figure of the American theatre, will appear for Selznick in her first motion picture. Vivien Leigh, the Scarlett O'Hara of "Gone with the Wind," will make another film for him later in the year.

Appearance of many stars on the new season's program is assured by contracts Selznick already has closed. Douglas Fairbanks, Jr., will appear in one picture.

Other players under contract to the studio are Alan Marshal, who will have an important part in "Ordeal," and Alicia Rhett, who distinguishes herself in a difficult role in "Gone with the Wind."

Leslie Howard is serving for the first time in the dual capacity of star and associate producer in Selznick International's "Intermezzo," which introduces Ingrid Bergman, Swedish star, to American films.

World-Wide Business

3,000 Employed In Foreign Service

UNITED Artists pictures are shown everywhere. The United Artists foreign distribution reaches the furthest corners of the earth. There are 3,000 employes in that foreign service, under the overall direction of Arthur Kelly.

In Britain the United Artists activities are under the supervision of E. T. Carr and George Archibald, joint managing directors. The company's British operations are linked with the Odeon Circuit of Theatres, operated by Oscar Deutsch. This chain is one of the biggest in Europe. Walter Gould heads the Latin-American operations of United Artists.

Carr joined the company 18 years ago as a salesman and was elevated to his present position, as was Archibald, following Murray Silverstone's return to America, to head the company's world-wide operations.



Walter Gould

Archibald is also managing director of the U. A. Export, Ltd., which controls and directs the operations of the company's exchanges and licensees throughout continental Europe. Lacy W. Kastner is general sales supervisor.

Georges Rouvier represents the United Artists company in France, with headquarters in Paris. Other United Artists European representatives are Marcel Coppens in Belgium; O. B. Mantell, in Czechoslovakia; I. Madsen, in Denmark; Harald Astrom, in Sweden; E. Arias, in Barcelona; and Paul Rappaport, in Switzerland.

Cecil Marks is general manager, in Australia, and in New Zealand, the United Artists manager is Bernie Allen.

In the Far East, Norman Westwood, in China, and Joe Goltz, in Japan, keep the U.A. sales banner flying. Charles Core is in the Philippines; Sydney Albright, in Java; Carlos Moore, in India, and "Lucky" Max Baker heads the company's operations in the Straits Settlements.

In Latin-America, under Walter Gould, are Guy P. Morgan, in Argentina; Enrique Baez, Brazil; Jorge Suarez, Chile; W. F. Frohlich, Colombia; Henry Weiner, Cuba; Sam Seidelman, Mexico; Victor J. Schochet, Peru; Carl Ponedel, Puerto Rico, and Guy C. Smith, in the Canal Zone.

A. A. Loew is in South Africa.

"Samuel Goldwyn's

THEY SHALL HAVE MUSIC!

is

REAL LIFE



—*says* **FLOYD GIBBONS,**
famous adventurer and journalist

"This is REAL LIFE...the real life of real city kids...and, against the background of great music, it is one of the most exciting experiences I have ever had."

Floyd Gibbons

SAMUEL GOLDWYN *presents*

Jascha **HEIFETZ**

in

THEY SHALL HAVE MUSIC!

with ANDREA LEEDS • JOEL McCREA
GENE REYNOLDS • WALTER BRENNAN

Directed by ARCHIE MAYO

Released thru UNITED ARTISTS

NEVILLE E. NEVILLE

Producer of

"AN ENGLISHMAN'S HOME"

is proud to distribute his picture through an organization for which he has the greatest affection.

On this 20th Anniversary he wishes

UNITED ARTISTS

MANY MANY

MORE

ANNIVERSARIES

Neville E. Neville

ALDWYCH FILM PRODUCTIONS, LTD.
DENHAM STUDIOS
ENGLAND



Advertising Very Vital

Farnol Explains Work of Staff

By LYNN FARNOL
Advertising and Publicity Director, United Artists

IF the producers whose combined output constitutes United Artists' program have one thing in common, it is that they are different, each from the other. And if the advertising, exploitation and publicity on United Artists pictures have one single, identifying characteristic, it is that each campaign is individual and different.



Monroe Greenthal

Its very nature precludes or denies the possibility of a change of pace or the breathing spell between big pictures that is the salvation of the advertising department of every major company. With United Artists, every picture has to be a big picture and "big" doesn't mean in terms of money spent on national advertising either.

It means "big" in the study and planning that are given a picture by advertising artists and copy writers, by feature and publicity workers, by exploitation stunt men, by a radio staff and a dozen others long before the picture is in production. It means "big" in the advertising work that moves forward while the picture is in production and cutting. It means "big" in theatre contacts and publicity schedules. It is "big" in coverage all the way down the line.



Lynn Farnol

With eleven producers, each interested and devoted to his own pictures to the exclusion of everything else, each alive with the fact that this, his current picture, is the most important of his career, the United Artists advertising and publicity department starts off fighting. It *must* start off fighting. And it has to fight all the way.

United Artists and its producers are not being generous to the exhibitor when they provide the custom-made exploitation that has come to be expected of every release. Such concentration is the result of the pressure of competition, between producers, of the economic necessity of making each picture yield the maximum return without let-up or relaxation, of the importance and the exploitation opportunities inherent in each picture in the anticipation of the individual exhibitor. He starts out on the premise, "This is a big one."

In the national advertising that it places behind its releases, in the concentrated Hollywood publicity build-up, in the co-operative advertising with the theatre and the work of the field exploitation staff, United Artists expenditures would probably amount to double the average release. As I have said before, this is not generosity; it is out of the demands and the necessities of U.A. and the kind of an organization it is.

The men who do this work?

Monroe Greenthal is in charge of exploitation, of exhibitor service. The high esteem in which he is held by the theatre circuit heads and the exhibitors of the country is tangible evidence of the success of his work.

Albert Margolies is in charge of publicity, handling New York outlets and the vast and complicated mechanical processing of mailing and wiring news throughout the country. Under him is a staff of writers and idea men and women, covering various branches of the work such as fan magazines, fashion editors, radio columnists and so on.

One of the principal duties performed by Margolies is to act as publicity contact between the U.A. home office and the West Coast press representatives of the various producers whose pictures are released by United Artists.

Virginia Morris writes the ads, for the press books, for the national newspaper and magazine campaigns, and for the trade papers. Morton Frankel and Joseph Gould are responsible for the elaborate press books with which U.A. releases its pictures. Forty people in all comprise the department. To every one of them, each new picture is and has to be a most important thing in his life.

Producers List Product

(*Continued from page 20*)

gram—"My Son, My Son!" adapted from Howard Spring's best-selling novel; "Two Years Before the Mast," from the classic by Richard Henry Dana; "The House of Monte Cristo," "Kit Carson," "South of Pago Pago," and "Valentino," the screen biography of the great motion picture idol.

From Ernst Lubitsch will come a production personally directed by him, and from Sol Lesser a screen version of "Our Town," Thornton Wilder's Pulitzer prize-winning play. David L. Loew is also planning the picturization of a famous play.

Richard Rowland will make "Three Cheers for Miss Bishop," with Barbara Stanwyck.

Following are the U.A. productions announced to date:

David O. Selznick

"Intermezzo," starring Leslie Howard, who will serve, as well, as associate producer. From the original by Gustav Molander and Gaesta Stevens.

"Rebecca," directed by Alfred Hitchcock, from the novel by Daphne Du Maurier.

A third production as yet untitled.

Charles Chaplin

"The Dictators," written, produced and directed by Chaplin, who will star in the picture in his first speaking role. (Title is tentative.)

Samuel Goldwyn

"Music School," with Jascha Heifetz, world-famous violinist in his first screen role, and Joel McCrea and Andrea Leeds. Archie Mayo, director.

"The Real Glory," starring Gary Cooper, with Andrea Leeds, David Niven, Walter Brennan, Henry Hathaway, director. Screenplay by Jo Swerling.

Alexander Korda

"Four Feathers," the A. E. W. Mason novel, adapted by R. C. Sherriff and directed by Zoltan Korda. Already completed.

"Over the Moon," starring Merle Oberon. Directed by Thornton Freeland from the screenplay by Robert E. Sherwood.

"The Thief of Bagdad," with Sabu and Conrad Veidt. Ludwig Berger, director.

"Sinner," based on Prevost's "Manon Lescaut," starring Merle Oberon. Alexander Korda, director.

"The Jungle Boy," starring Sabu. Based on Rudyard Kipling's "Jungle Book."

Walter Wanger

"Winter Carnival," starring Ann Sheridan and Richard Carlson. Charles F. Riesner, director.

"House Across the Bay," starring Joan Bennett. Directed by Archie Mayo from the screenplay by Sarah Y. Mason and Victor Heerman, and the original story by Myles Connolly.

Also, an original story by Gene Towne and Graham Baker, Tay Garnett, director; a fictionization by John Meehan of Vincent Sheean's great novel, and two other productions as yet untitled.

Hal Roach

"The Housekeeper's Daughter," from the novel by Donald Henderson Clarke. Hal Roach, director. Featuring Joan Bennett and Adolphe Menjou.

"Of Mice and Men," the John Steinbeck play, to be directed and supervised by Lewis Milestone.

"1,000,000 B. C.," an imaginative picturization of the beginning of time.

"Captain Caution,' from the novel by Kenneth Roberts.

Also a production based on a Thorne Smith novel. Also, a series of four Laurel and Hardy pictures.

Edward Small

"Kit Carson," based on the adventurer's life, with Joel McCrea, Henry Fonda and Frances Dee.

"My Son, My Son," Howard Spring's novel, with Louis Hayward starred.

Also "Quantrill, the Raider," "Valentino," "South of Pago Pago," "Two Years Before the Mast" and "Food of the Gods."

Douglas Fairbanks

"The Californian," a dramatization of the story of Lola Montez.

The Lubitsch-Lesser production and the David Loew production remain to be announced.

Richard Rowland

"Three Cheers for Miss Bishop," with Barbara Stanwyck.

Korda Hails 'Bagdad'

Favors Color In His Pictures

(*Continued from page 3*)

nation of the filmgoer. Conceived on a scope so as to deliberately eclipse anything to be found in the old spectacles, "Thief of Bagdad" will bring evolutionary entertainment to the screen.

I make these statements because I have surveyed all the massive films of the past two decades and decided, even before a camera turned, to go beyond these attractions in story, color and imaginative scope. All these features, I am sure, will be reflected directly at the box-office.

Sabu, Conrad Veidt, and two new discoveries, John Justin and June Duprez, will be seen in the film. For the latter two I predict a fame as great as Laughton's, Donat's or Merle Oberon's. The settings, as different from the accepted scenic design as any can be, have been designed by my brother Vincent and mark a new point of departure for the screen in this field.

Avoids Production Rut

From this time I intend doing films completely out of the production rut. Timely films, to meet current problems, are all very well and should be made—and I intend making them—but I will try first to present the public with pictures that will become open doors into a world of relaxation and entertainment. I think the world prefers the latter, great as its need for the former may be.

Along these lines I have completed "Over the Moon," a completely light and entertaining film in color, starring Merle Oberon, and will soon embark on "Sinner," adapted from "Manon Lescaut," also starring Miss Oberon. After that will come "Jungle Boy," with Sabu in the name role of the famous Kipling stories.

Sticks to Color Films

Most producers have announced color as the coming development. They have all since departed from that standard at some time or another. I have announced and stayed with a medium I believe now outdates any other similar expression in films. All my product is in color—it is growing as important as sound.

The past year has done much for the international producer. It has had audiences prove that films are acceptable anywhere, no matter who produced them or in what country, provided they are real entertainment.

Congratulations

EASTMAN FILMS
BRULATOUR SERVICE

FORT LEE **CHICAGO** **HOLLYWOOD**





Salute!

For a fifth of a century...for twenty years we have watched and admired your consistency and your progress as a leader in this greatest of all entertainment mediums.

And now...in our own twentieth year we salute you, United Artists, with this wish for your future ...that you will march on and on to even greater success and glory.

NATIONAL SCREEN SERVICE

...Prize 20 Years Old Baby of the Industry!



An Appreciation

To work toward a worthwhile goal is commendable.

To reach that goal, fairly and honorably, is praiseworthy.

United Artists, that is your history. May history repeat itself.

Consolidated Film Industries, Inc.



» » Many happy returns of the day to

UNITED ARTISTS

and heartiest congratulations on their twentieth anniversary from

DENHAM
LABORATORIES, Ltd.

who are happy to be doing the entire release printing for United Artists in Great Britain



DU PONT

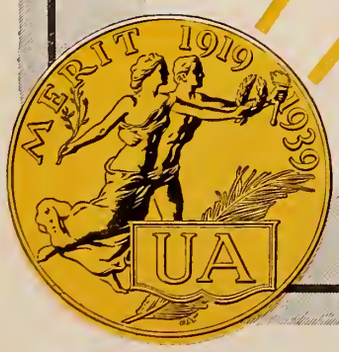
Congratulations

UNITED ARTISTS

DU PONT FILM MANUFACTURING CORPORATION
INCORPORATED

9 Rockefeller Plaza
New York . . . N. Y.
Plant . . Parlin, N. J.

SMITH & ALLER, LTD.
6656 Santa Monica Blvd.
Hollywood . . . California



Kelly Knows The World!

Real 'Trader Horn' of United Artists

By SAMUEL COHEN
Foreign Publicity Manager of United Artists

AN interviewer once described Arthur W. Kelly as "the real Trader Horn of Hollywood." In his official capacity as vice-president of United Artists in charge of foreign distribution, Kelly has traveled the highways and byways of the world, supervising the activities of United Artists' foreign legion which embraces 123 branches and agencies from Aberdeen to Zanzibar.



A. W. Kelly

Born in London of Welsh and Irish parentage, he was educated in the city of his birth. At 20, he had both feet in show business, being manager of one of the greatest vaudeville enterprises in England. It was during this early period that he became friendly with a young London music hall performer named Charlie Chaplin.

Chaplin Gives Kelly Job

Chaplin's faith in his friend's business acumen was demonstrated years later. Upon the formation of United Artists Corporation, Chaplin offered Kelly the position of eastern representative of the Chaplin company. The knowledge and experience gained in directing the sales of the great comedian's pictures throughout the world which, incidentally, established the highest prices heretofore obtained for Chaplin's films, proved invaluable to Kelly when he joined United Artists as an active officer. He became the logical man for the job of foreign head and in May, 1926, he assumed his present position.

Learns Foreign Tastes

From first-hand observation Kelly has learned what foreign audiences like and dislike. He says: "They want pictures that are high-class but not high-hat—pictures that tell a down-to-earth story with a maximum of action and a minimum of dialogue."

He knows from personal knowledge that "trade follows the film." On that subject he stated:

"The widespread popularity of American films has proved a boon to American manufacturers and exporters. Every Hollywood picture is an animated show-window for American-made products, and helps stimulate international trade."

He is a staunch supporter of Maurice Silverstone's policy of making pictures individually, *up to* a quality standard instead of *down to* a quantity level.



LEWIS MILESTONE

Roach Budget Of $5,000,000

(*Continued from page* 19)

Henderson Clarke's "The Housekeeper's Daughter." Co-starring Joan Bennett and Adolphe Menjou, it is a fast moving comedy romance centered about Hilda, the alluring housekeeper's daughter, and the five men who figure in her colorful career.

An impressive supporting cast includes John Hubbard, comparative newcomer to the screen for whom a great future is predicted; William Gargan, George E. Stone, Peggy Wood, Marc Lawrence, Victor Mature, Louis Alberni, Donald Meek and Lillian Bond. Hal Roach, whose "Captain Fury" was such an outstanding success the past season, directed.

'Of Mice and Men' Set

Following this, John Steinbeck's universally acclaimed novel and prize-winning stage play "Of Mice and Men" will be brought to the screen. Casting of the roles for this production, one of the most important of the year, has not yet been decided, although numerous tests have been made of actors under consideration.

Interest in this film is widespread and suggestions are pouring in from every section of the country. Lewis Milestone, maker of "All Quiet on the Western Front" and "Front Page," will direct.

Frank Ross, executive vice-president of the Roach studios, has been named associate producer on this film.

Thrilling Fantasy

Third on the forthcoming schedule is a thrilling fantasy of early civilization entitled "1,000,00 B. C." Amazing technical innovations will be employed in this unusual spectacle which will portray early man's struggle against prehistoric monsters, and will combine excitement with romance and suspense.

Louis Tolhurst, whose camera wizardry received such enthusiastic acclaim in "The Good Earth," will again bring some startling effects to the screen in this picture, and Hal Roach, Jr., who was honored with a full-fledged producership upon attaining his twenty-first birthday, will serve as associate producer.

Currently, young Roach is acting in a similar capacity on the Laurel and Hardy series of four-reel comedies.

Next to go before the cameras will be "Captain Caution," a stirring romantic adventure by Kenneth Roberts, author of "Northwest Passage." With a cast to include Hollywood's top-flight names, and played against backgrounds tremendous in scope, it unfolds the tale of a defiant girl and a swashbuckling first mate who sail against the British in the War of 1812.

Completing the pretentious feature program will be a screen adaptation of Thorne Smith's hilarious novel. In this story the author of the famous Topper series allows his imagination to run riot.

The four Laurel and Hardy comedies, streamlined into four-reel subjects for fast-moving, fun-packed film fare, will be budgeted on an "A" picture schedule. The first of these, "A Chump at Oxford," has been completed under the guidance of Alf Goulding.

David Wark Griffith, pioneer director and producer, is now associated with Hal Roach.

Griffith was prevailed upon to return to picture making by Hal Roach, a personal friend of 25 years' standing. Griffith will serve in an advisory capacity on the 1939-'40 program, and in addition will act as consultant on story material.

Buckley Two Decades with UA

HARRY D. BUCKLEY, vice-president in charge of exchange operations for United Artists, was born and educated in St. Louis, Mo. Buckley's first business experience was gained in theatrical circles in his home city, where he remained until the beginning of the World War. He joined the colors as a private in the Eighty-Ninth Division, and shortly thereafter won a lieutenant's commission.

After the Armistice was signed and the United Artists Corporation was formed, Buckley was appointed manager of the new organization's Kansas City exchange. After a year and a half in this capacity, he was made branch manager of the more important Los Angeles exchange remaining at this post until Douglas Fairbanks asked him to become manager of the road showings of "Robin Hood."



H. D. Buckley

Buckley held two other key posts —acting general manager of the Douglas Fairbanks Pictures Corporation and business manager for Mary Pickford and Douglas Fairbanks in New York City—before he became vice-president of United Artists and a member of its board of directors.

In December, 1926, he was named vice-president of the company, acting as one of the three members of the United Artists executive committee and assistant to Joseph M. Schenck, chairman.

Our Regrets

Due to the fact that their photographs did not arrive in time for publication, the pictures of Hugh Owen of Dallas, C. E. Peppiatt of New Orleans and A. W. Hartford of Salt Lake City were regrettably omitted from the page of United Artists Sales Personnel.



27-Yr. Record For Goldwyn

'The Real Glory' His Next Release

SAMUEL GOLDWYN, stockholder and producer of United Artists, has been in the motion picture business for twenty-seven years, since he was 30. He commenced in the business when feature-length pictures were merely a glint in his eye.

Some of Goldwyn's most conspicuous successes have been "Arrowsmith," "Street Scene," "Dodsworth," "These Three," "Whoopee," "Dead End," "Stella Dallas," "The Hurricane" and "Wuthering Heights."

He has recently released "They Shall Have Music," starring Jascha Heifetz, and will soon release "The Real Glory," which will star Gary Cooper, for United Artists.

His announced plans include a production on the life of Hans Christian Andersen, entitled "Once Upon a Time," "Raffles," which will be David Niven's first starring assignment, and "Seventh Cavalry," starring Gary Cooper.

After selling his old Goldwyn company to Metro in 1923, Goldwyn formed his own company of Samuel Goldwyn Inc., Ltd., and joined with Douglas Fairbanks, Mary Pickford and Charlie Chaplin to become a joint owner of United Artists. Since then all his pictures have been released through United Artists. He is represented on the Board of Directors by James A. Mulvey.

Million Dollar Wanger Films

(*Continued from page* 19)

the Baltimore Symphony Orchestra, is doing the musical score. The picture is scheduled for October release.

"Send Another Coffin" by F. C. Presnell is a gay, fast-moving story and is among the season's best sellers. Wanger thinks he has something even bigger than the "Thin Man" series in this one. This picture goes into production on Aug. 20 with Tay Garnett directing. Scenarists are Ken Englund, John Lay and Robert Tallman.

"House Across the Bay" is a drama about the women who wait for the return of their men from San Quentin. John Meehan is doing the script. Archie Mayo will direct. Joan Bennett will have one of the starring roles. Production begins in September.

Travel Shorts

Rounding out its 1939-40 program of full-length feature release, United Artists will also distribute a series of travel shorts in color, known as "World Windows."

My sincere congratulations to United Artists on the occasion of their twentieth anniversary and to my friend Murray Silverstone. I am looking forward to many more happy "returns."

OSCAR DEUTSCH

Managing Director
Odeon Theatres Limited





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'Time,' 'About Town,' Head Capital Shows

WASHINGTON, Aug. 3.—"On Borrowed Time" drew $23,500 at Loew's Capitol to lead the city.

Estimated takings for the week ending July 27:

"On Borrowed Time" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days. Stage: Johnny Burke. Gross: $23,500. (Average, $16,500)
"Maisie" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 2nd run, 7 days. Gross: $4,500. (Average, $4,500)
"Good-bye, Mr. Chips" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 3rd week. 7 days. Gross: $7,800. (Average, $12,000)
"I Stole a Million" (Univ.)
RKO-KEITH'S—(1,836) (25c-55c) 7 days. Gross: $4,200. (Average, $6,000)
"Man About Town" (Para.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: No name vaude. Gross: $20,300. (Average, $16,000)
"Daughters Courageous" (W. B.)
WARNER'S METROPOLITAN—(1,591) (25c-40c) 7 days, 2nd run. Gross: $3,800. (Average, $4,000)

First Union Victory For N. Y. Managers

(*Continued from page* 1)

these employes will also be taken care of before the T.M.A.T. contract is signed.

T. M. A. T. drive to obtain contracts from all New York city independent houses is scheduled to get under way in earnest late this month. The Five Boro contract will probably be used as the basis of union demands. The union is now concentrating on the Vogue, Bronx, which is scheduled to reopen tonight. A 24-hour picket line has been maintained in an effort to stop alteration work going on there.

Hollywood In Brief

HOLLYWOOD, Aug. 3.—Al Daff, U's representative in the Far East, arrived from New York to spend a week at the studio before going back to his headquarters in Tokyo. Business in the Orient, says he, isn't as badly shot as all the shooting going on there would lead you to assume.

Charles ("Hurricane Hutch") Hutchinson comes back to pictures and to the serial field he once dominated in Republic's "Dick Tracy's G-Men." He's been out of films eight years.

Linda Darnell, who started a rave wave with her performance in "Hotel for Women," has been relieved of a small part she was playing in "Drums Along the Mohawk" and given a big one in "Johnny Apollo," an operation which comes under the general head of Zanuck showmanship.

B. P. Schulberg has bought "The Middle Window," which has to do with life-after-death in England and Scotland, for production this year . . . 20th Century-Fox has borrowed Andy Devine from Universal for a spot in "Little Old New York." . . . Jack Roper, who took that shellacking from Joe Louis a while back, is to fight again in Republic's "Wall Street Cowboy"—and take another shellacking.

Summer visitors in town get three flashes of the cinema nobility in all its glory next week when "Stanley and Livingstone," "The Wizard of Oz" and "When Tomorrow Comes" are given their local previews—all formal. Long time no such trio of colossals within a week.

David O. Selznick is pleased about signing Robert Stevenson to a directing contract. Says the deal, following his previously concluded pact with Alfred Hitchcock, gives Selznick-International England's two foremost directors.

Julian Lesser, son of the famous Sol, has joined his parent's Principal Productions as assistant to distribution executive Louis Hyman.

Directors—Michael Curtiz is down to direct three top pictures for Warner within five months, "Four Wives," "The Sea Hawk" and "Nevada," the first with the "Daughters Courageous" cast and the other two with Errol Flynn. . . . Vincent Sherman will direct May Robson in "Granny Get Your Gun," Lew Seiler will handle "The Story of Edgar Allen Poe" and Terry Morse "State Cop" for the same plant. . . . Director Tay Garnett acts a bit in his "Eternally Yours," the Walter Wanger film.

Writers—Leon G. Turrou, retired G-man who wrote "Confessions of a Nazi Spy," is back in town to do more writing for Warner and other studios. . . . Lieut. Commander Frank Wead has been brought in to work on the screen play of Cecil B. DeMille's "Royal Canadian Mounted."

Andy Hardy's $16,000 Leads in Cincinnati

CINCINNATI, Aug. 3.—"Andy Hardy Gets Spring Fever" came through with a terrific $16,000 at the RKO Palace and held.

Estimated takings for the week ending July 26-29:

"Daughters Courageous" (W. B.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $14,000. (Average, $12,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $16,000. (Average, $10,000)
"Second Fiddle" (20th-Fox)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $4,300. (Average, $6,500)
"Man About Town" (Para.)
RKO LYRIC—(1,400) (25c-40c) 7 days, 2nd week. Gross: $3,700. (Average, $5,000)
"The House of Fear" (Univ.) (2 Days)
"Missing Daughters" (Col.) (3 Days)
"Grand Jury Secrets" (Para.) (2 Days)
RKO FAMILY—(1,000) (15c-25c). Gross: $1,800. (Average, $2,400)
"On Borrowed Time" (M-G-M)
KEITH'S—(1,500) (35c-42c) 7 days, 2nd week. Gross: $3,400. (Average, $6,000)

IATSE Blocks RKO Ushers Consent Vote

Informal hearings before an examiner of the N. Y. State Labor Relations Board on petition of United Ushers, Doormen and Cashiers Union, C. I. O., for certification as collective bargaining agency in RKO houses here ended yesterday without agreement being reached. The matter will go the full board which will decide whether formal hearings should be held.

The formal hearings were designed to obtain an agreement for a consent election. However, the I.A.T.S.E. refused to give its consent on the ground that it alone had jusrisdiction and that the U.U.D.C. did not have a majority of the employes.

The members of our organization from coast to coast join the rest of the Motion Picture Industry in paying tribute to United Artists and to Murray Silverstone. We sincerely congratulate you on your twenty glorious years and wish you continued success.

FAMOUS PLAYERS CANADIAN CORPORATION, Ltd.

N. L. NATHANSON, *President*

BIG NEWS

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AT 4:12 YESTERDAY AFTERNOON "IN NAME ONLY" HAD FORGED WAY AHEAD OF THE SAME-TIME OPENING-DAY FIGURES OF "BACHELOR MOTHER" AT RADIO CITY MUSIC HALL . . . AND "BACHELOR MOTHER," REMEMBER, FINISHED ITS FIRST WEEK GLORIOUSLY UP IN THAT COVETED $100,000-A-WEEK CLASS!

we say **BIG ONES** *from* **RKO RADIO!**

Trial of Trust Suit By Jan. 1 Very Doubtful

(Continued from page 1)

Paul Williams, assistant to the Attorney General, argued that the case is of extraordinary public concern and would require many months to try. He said the Government would require four months to present its case and company attorneys subequently stated that the defense would require six to eight months. Thus trial of the suit will occupy virtually all of 1940.

Company attorneys opposed the Government motion. Col. William J. Donovan of RKO counsel agreed that trial should be started as soon as possible but pointed out that the Government has had its case in preparation for at least two years whereas the defendants have had only eight or nine months of preparation, and still have much to do. He said that urgency of the case is lessened in that the industry trade practice code covers many of the points on which relief is sought in the suit.

Most industry attorneys, including Thomas D. Thacher of counsel for Paramount and Ralph Harris of counsel for 20th Century-Fox argued for start of trial in March when the case would normally be reached on the calendar. They argued that no emergency is involved requiring an early trial and that the defendants cannot be prepared properly before then.

David L. Podell, acting as special counsel for the Government, did his first public "stint" in the case in rebutting the attorneys for the defense. He said that an independent "hasn't a chance to survive" in the industry; that "we" have hundreds of complaints from all over the country and that, if the Government can be ready by November, the companies should be able to.

Earlier in the day, Federal Judge Edward A. Conger denied the application of United Artists for a further bill of particulars from the Government on charges against the company. United Artists is now required to file its answer to the Government's bill of complaint within 10 days.

Jurist Can't Get Film

Federal Judge John C. Knox told industry attorneys during the hearing on the Government motion for a preference for the anti-trust suit on the Federal court calendar yesterday, that he is presiding in a 77-B theatre reorganization case and that "I can't get pictures for that house for love or money. Its value has declined from $50,000 to $30,000."

The theatre referred to is an uptown city house, he said.

Thomas D. Thacher of counsel for Paramount later told the court: "There must be discrimination in the trade between the cheap theatres and the better theatres; it can't be helped."

BANNER RADIO LINES

By JACK BANNER

SPECULATION . . . Radio weisenheimers are speculating about the successors to Vallee in the Standard Brands hour. The four leading opinions are that (1) Eddie Cantor, (2) Lou Holtz, (3) "One Man's Family," and (4) a west coast mystery quiz, "I Love a Mystery," will replace the Vagabond Lover when he vacates the hour in September. Take your pick.

RADIO FANS SEE MAKING OF PICTURE . . . Some 100-odd radio fans who attended the "Information Please" broadcast the past Tuesday received unexpected gifts of tickets admitting them to the 20th Century-Fox studios in New York yesterday where RKO was filming a short subject based on the radio program. Seeing the picture made is probably the most thrilling moments they will ever experience.

PICTURES IN TELEVISION . . . The report that feature length films would no longer play any part in NBC's television schedule was of course false. After the summer schedule of films is fulfilled, NBC will present at least one feature film a week, and, mostly they will be American or English pictures. NBC has secured televising rights to several dozen feature films in the past few weeks.

PERSONALS AND NOTES . . . Norman Corwin, CBS director and writer, planed out yesterday to Boulder, Colo., where on August 7 he will lecture on radio script writing at the 10th writers conference conducted by the University of Colorado. . . . Dick Fishell, sports commentator of WHN, is the father of a baby girl, born Tuesday at Park West Hospital. . . . "Dinty" Doyle of the *Journal-American,* Leonard Carlton of the *Post,* E. L. Bragdon of the *Sun* and Jo Ransom of the *Brooklyn Eagle* will appear in the Ellery Queen mystery quiz over CBS on Sunday. . . . John Hayes, WOR assistant production manager, has been commissioned a Lieutenant in the U. S. Army reserves. . . . John Loveton, Ruthrauff & Ryan producer, is the father of a baby boy.

SUN RADIO COLUMN . . . There is a report about that the *New York Sun* beginning in the fall will publish a daily radio column. At present the *Sun,* aside from daily program listings, prints radio news only on Saturday, and at that only news of a technical nature.

WCNW FILES COMPLAINT . . . WCNW yesterday filed a complaint with the F.C.C. in reference to the "jamming" of parts of Dr. Ward's Forum "Answering Father Coughlin." The complaint listed the names and addresses of 15 people which came in from various parts of the Metropolitan area, all indicating that the jamming appeared to be intentional and not accidental.

AGENCY HEAD SONG WRITER . . . Andre Luatto, president of Commercial Radio Service, the agency which handles the La Rosa concerts on Mutual, has turned songwriter. Collaborating with Alfred Antonini, concert conductor, he has written "Temptation Waltz."

Heat Wilts Buffalo, 'Carnival,' Stage, Best

BUFFALO, Aug. 3. — Ozzie Nelson and Harriet Hilliard amply demonstrated this town likes its music to match its weather. The team and "Winter Carnival" lured a $19,500 take to the Buffalo in one of the most torrid weeks of a torrid summer.

Elsewhere, first runs wilted like last week's vegetables. The Century, in its last full bill under Shea management, revived "San Francisco" together with "Petticoat Fever" and made it pay $4,500, off par by $1,500.

Estimated takings for the week ending July 29:

"Winter Carnival" (U. A.)
BUFFALO—(3,600) (30c-55c) 7 days. On stage: Ozzie Nelson and his orchestra, with Harriet Hilliard. Gross: $19.500. (Average, $12,000)
" "Way Down South" (Radio)
"Career" (Radio)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $3,900. (Average, $7,500)
"Island of Lost Men" (Para.)
"The Cowboy Quarterback" (W. B.)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $3,600. (Average, $6,800)
"San Francisco" (M-G-M)
"Petticoat Fever" (M-G-M)
CENTURY—(3,000) (25c) 7 days. Gross: $4,100. (Average, $6,000)
"Of Human Bondage" (Radio)
"Top Hat" (Radio)
LAFAYETTE — (3,300) (25c) 7 days Gross: $4,300. (Average, $6,300)

'Fiddle,' 'Time,' Best In Oklahoma City

OKLAHOMA CITY, Aug. 3.—In a week of blistering heat that sent theatre grosses tumbling, "Second Fiddle" succeeded in looking most like a money picture. "On Borrowed Time" also found the going a little less difficult than some. All houses were below average for the period.

Total first run business was $15,710. Average is $17,900.

Estimated takings for the week ending July 27:

"Second Fiddle" (20th-Fox)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $4,900. (Average, $5,200)
"Hell's Kitchen" (W. B.)
"The Girl from Mexico" (Radio)
LIBERTY—(1,200) (15c-20c-25c) 4 days. Gross: $1,620. (Average, $1,800)
"Women in the Wind" (W. B.)
"Mr. Moto Takes a Vacation" (20th-Fox)
LIBERTY—(1,200) (15c-20c-25c) 3 days. Gross: $700. (Average, $700)
"On Borrowed Time" (M-G-M)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $3,200. (Average, $4,200)
"Juarez" (W. B.)
PLAZA—(750) (25c-35c-40c) 7 days, second week, moved from Midwest. Gross: $1,100. (Average, $1,100)
"Good Girls Go to Paris" (Col.)
"First Offenders" (Col.)
STATE—(1,100) (15c-25c) 6 days. Gross: $2,250. (Average, $2,500)
"Unexpected Father" (Univ.)
TOWER—(1,000) (25c-35c-40c) 7 days. Gross: $1,900. (Average, $2,500)

CBS 'Serious' Shows Make Big Increase

CBS expanded its programs considerably on international and foreign affairs and education in the first six months of 1939, as compared with the same period in 1938.

Statistics show that time devoted to adult education rose in the first half of the year to 103 hours, contrasted with 88¼ hours in the first six months of 1938. Time allotted international and foreign affairs rose from 80 broadcasts totaling 29¼ hours to 119 programs totaling 52⅓ hours..

There was a 20-hour rise in time allotted to religious broadcasts. The increase was from 168 programs totaling 61¾ hours in the first six months of last year to 203 programs consuming 81½ hours during the similar 1939 period. Agriculture had the biggest boost of all divisions, from seven broadcasts totaling two hours, to 58 programs consuming 21½ hours.

Time devoted to news went up from 104¾ hours to 122 hours. Drama had a 113 per cent increase from 47 shows consuming 23½ hours to 128 hours taking up 49¼ hours. The first half of the year saw 329 serious music broadcasts sent out, totaling 206 hours. There were 183 children's programs totaling 72⅓ hours, 34 broadcasts taking up 12 hours were devoted to civic welfare and 22 programs totaling 5¾ hours were broadcast in connection with labor.

Stations Ask F.C.C. For Power Increase

WASHINGTON, Aug. 3.—An increase of night power from 1,000 to 5,000 watts was sought today by Station KDYL, Salt Lake City, in an application filed with the Federal Communications Commission.

The commission also received applications for increase of night power from 100 to 250 watts from Stations WKBZ, Muskegon; WTMA, Charleston, S. C.; WEED, Rocky Mount, N. C.; WAML, Laurel, Miss.; WIL, St. Louis; KBND, Bend, Ore., and KVEC, San Luis Obispo, Cal.

CBS to Interview Movietone at Work

Movietone News and CBS tomorrow night will do an unusual stunt. A Movietone crew, consisting of Al Gold and Leroy Kennedy, will shoot pictures in the Midtown vehicular tunnel under construction beneath the East River. While doing so they will be interviewed by Bob Trout on CBS's "America at Work" program, from 7 to 7:30 o'clock, over 90 network stations.

At the same time, a Movietone sound camera will be taking films of the interview for the newsreel. Dan Doherty of Movietine acted as technical advisor on the script and arrangements.

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VOL. 46. NO. 25 NEW YORK, MONDAY, AUGUST 7, 1939 TEN CENTS

AFL to Weigh Actors Dispute On Thursday

I.A.T.S.E. Organizing Only Vaudeville

After a series of hotel room conferences over the weekend, the A. F. of L. executive council meetings start at Atlantic City today. Thursday afternoon, the council will hear the dispute between Associated Actors and Artistes of America, parent body of actor unions, and the I.A.T.S.E. which claims jurisdiction over performers.

Retaliatory moves by the I.A. against Screen Actors Guild, Actors Equity, and American Federation of Radio Artists, who have taken steps to oust Sophie Tucker, president of American Federation of Actors, are expected to develop immediately after Thursday's vote. Meanwhile, the I.A. is playing a waiting game and permitting the 4-A to take the responsibility for the warfare which might develop.

At present, the I.A. takes the position that it is organizing only vaude-

(Continued on page 2)

NLRB Sets SWG Parley Aug. 17

HOLLYWOOD, Aug. 6.—A new complaint, charging coercion, intimidation and threats of blacklisting of Screen Writers Guild members was filed by the N.L.R.B. against eight major studios Friday. Hearing was set for Aug. 17 in Los Angeles. This will be the third open hearing since 1937. Lengthy accusations of alleged unfair labor practices were set forth.

Respondents named were Universal, Selznick International, 20th Century-Fox, Loew's, Warners, RKO, Columbia and Paramount.

The last hearing was suspended several months ago when the studios

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NLRB Asks Hearing On Studio Unions

LOS ANGELES, Aug. 6.—N.L.R.B. officers here over the weekend asked the National Board in Washington to set a formal open hearing in the jurisdictional dispute between the I.A.T.S.E. and the United Studio Technicians Union and thus open the way for a vote of workers on their choice of bargaining agency.

William R. Walsh, the Board's senior

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Atlas Presents RKO $1,500,000 Financing Plan

Underwriting proposal for $1,500,000 of new RKO common stock was presented for approval to Federal Judge William Bondy on Friday by Atlas Corp. A hearing on the proposal, which has been accepted by the RKO board, subject to court approval, was set for Wednesday.

Under the proposal Atlas agrees to underwrite a sufficient amount of the new stock to raise $1,500,000 at a price to be fixed by the court. It was disclosed that the RKO board proposes to offer 375,000 shares at $4 per share to holders of unsecured, allowed claims and to Rockefeller Center, on or before Aug. 29, and that Atlas agrees to pay the same price per share for all of the stock

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25 Per Cent Duty On Reich Raw Stock

German raw stock, even though exposed and developed in other countries, is subject to a U. S. countervailing duty of 25 per cent, the U. S. Customs ruled Friday.

This is in line with the countervailing duty imposed by the State Department on other imports from the Reich. Distributors importing films from abroad are protesting the impost.

U. S. FILES SCHINE TRUST SUIT TODAY

Case Similar to Action in Oklahoma; Majors Accused of Combination

WASHINGTON, Aug. 6.—The Department of Justice tomorrow will file suit in equity in the Federal District Court for the western district of New York, at Buffalo, seeking dissolution of the Schine circuit and naming the Schine companies and all of the major producing companies as engaging in unreasonable combination to restrain trade in the distribution of motion pictures in the states of New York, Ohio, Kentucky, Maryland and Delaware.

Disclosing its plans for the filing of the suit, the Department tonight named the Schine Chain Theatres, Inc.; Schine Circuit, Inc.; Schine Theatrical Co., Inc.; Schine Enterprise Corporation; Schine Chain Theatres of Ohio, Inc.; Schine Lexington Corporation, and Chesapeake Theatres Corporation as exhibitor defendants, and Loew's, Inc., RKO, Universal Pictures, Universal Film Exchanges, Twentieth Century-Fox, United Artists, Columbia, Warner Brothers, Vitagraph, Paramount Pictures and Paramount Film Distributing Corporation as distributor defendants.

It was said at the Department that the case is another "Oklahoma suit" in that it is similar to the proceeding instituted on April 28, last, against the Griffith Amusement Company and its associated companies operating in Oklahoma, Texas and New Mexico.

At that time, it was stated at the Department that there were a number of other independent theatre circuits whose situation was similar to that of the Griffith organization and that additional suits would be brought as the investigation developed.

"This proceeding is designed to break the monopoly control exercised

(Continued on page 2)

Congress Easy With Pictures and Radio

WASHINGTON, Aug. 6.—Motion picture and radio legislation received little attention from the session of Congress just adjourned, it is shown by the record of the past seven months.

With the exception of the 1939 tax bill, which continued the admissions levy, no legislation affecting either industry was passed by Congress. Two motion picture bills, dealing with block booking and fight films, were approved by the Senate and sent to the House of Representatives, and one radio measure, concerning liquor advertising, was

(Continued on page 7)

American Films in Spain Get Same Deal as Others

By AL FINESTONE

American distributing companies are being accorded a complete welcome by the Nationalist Government in Spain and there will be no discriminations, according to Julio Elias, distributor of Barcelona, who has arrived in New York on a buying trip. Likewise, he said, there will be no favoritism shown distributors of certain European countries.

The Summer season is usually slack in Spain, but in the Fall film business will take a marked upturn, Elias believes. Already, M-G-M, 20th Century-Fox and Universal have brought in new films, and the other major American companies are expected to apply for permits.

Regulations covering films have not been officially promulgated as yet, but it is expected that they will be printed this month in the Official Gazette.

The trade expects certain restrictions aimed to build up foreign exchange. One, which is virtually certain of adoption, is that 50 per cent of the foreign currency obtained from imports as well as exports of films be turned over to the Government in exchange for an equivalent in pesetas, either in Spain or in the country of origin, for use in foreign trade.

The proposed quota regulation providing for the production of one Spanish film for every 10 imported is also expected to be adopted. All films must be printed and dubbed in Spain.

The import duty is based on weight of films. The duty is now 25 pesetas gold per kilo (2.5 pounds). Before the war the duty was 25 pesetas for American films and 15 for films from other countries. Negatives are admitted free under bond if later returned to the sender.

Films Contributed $68,772 to N.Y. Fund

Motion Picture Division contributed $68,772 to the Greater New York Fund during the drive which ended in June, according to the report of J. Robert Rubin of Loew's, chairman of the industry division. The figure represents a 13½ per cent increase over collections of $60,556 last year.

Contributions were received from 97 firms and employe groups this year, as compared with 37 firm and group contributions last year. Four vice-chairman supervised collections in as many industry divisions. They are: the producers and distributors group under Ned E. Depinet, which con-

(Continued on page 7)

U. S. to File Schine Trust Action Today

(*Continued from page* 1)

by the Schine theatre organization in the exhibition of motion pictures in parts of New York, Ohio, Kentucky, Maryland and Delaware," it was explained by the Department.

"While operations of this organization are not nation-wide, its effect upon the independent theatre owners in its area of operation is substantially similar to that of the major producing companies within the areas of their operations.

"Because of the control by this chain of a large number of theatres, it is able to make blanket contracts for all desirable pictures for its theatres without competing with local independent exhibitors.

"This action seeks, among other things, to break the monopoly combination in the area in which it operates. To effect such object, this suit asks that the exhibitor defendants be dissolved and their properties rearranged under several separate and independent corporations in such manner as to create competitive conditions and prevent further violations of the Sherman act.

"It also seeks injunctive relief by directing that practices resulting in this monopoly control and its oppressive exercise be enjoined. In addition, it seeks to enjoin the producers from licensing pictures except on a local competitive basis. Finally, it seeks an injunction against the acquisition of additional theatres or financal interest therein by the defendant chain."

British Film Men Eye Italian Market

LONDON, Aug. 6.—Neville Kearney will go to Rome next week to discuss, among other things, the possibility of British producers' return to the Italian market.

It is believed that certain producers invited to participate in the Venice Film Festival have indicated willingness to do so if guaranteed bookings in Italy.

British companies have been wary of Italian overtures since the ENIC monopoly decree went into effect Jan. 1 whereby the films are permitted to be imported at a price set by the Government agency.

Federal Theatre Gets Death Blow

WASHINGTON, Aug. 6.—Last hope for revival of the Federal Theatre Project failed Saturday when the Senate, fearful of precipitating a fight which would delay adjournment, refused to accept an amendment to the third deficiency bill, offered by Sen. Pepper of Florida, to repeal the ban on the project in the relief appropriation bill passed last month.

Bloom Joins Agency

Merle L. Bloom, formerly of the sales staff of WABC, has joined the executive staff of the Blaine-Thompson Co., Inc., in charge of all radio activities.

Purely Personal

HERMAN WOBBER, 20th Century-Fox general sales manager, left Friday for the coast to confer with DARRYL F. ZANUCK on forthcoming product and close circuit deals.

•

CLYDE ECKHARDT'S Chicago 20th Century-Fox branch won the company's total delivery championship of the 1938-'39 season. R. G. MARCH'S St. John was second.

•

MRS. LILLIAN TURNER of the Brandt circuit will fly this week to Sun Valley.

•

WILLIAM SISTROM arrives Monday from England on the *Queen Mary*.

•

EDDIE RUBEN of the RKO studio left Friday for the coast.

•

CHARLES COBURN made a personal appearance at Fabian's Palace, Albany, with "Bachelor Mother," in which he plays a part.

•

HUGH HUBER, secretary-treasurer of Hal Roach studios, left Friday for the coast.

•

ADOLPH SCHIMEL of the Universal legal staff returns from vacation today.

•

M. D. BLIEDEN of the Forsythe, East Chicago, Ind., is vacationing here.

•

Among exhibitors here for the World's Fair are HERBERT ETTELSON, associated with the Lake Shore Theatre in Chicago, and his son, JULIAN; HARRY DAVID, Paramount partner with the Intermountain Circuit in Salt Lake; WILLIAM BORACK, booker for the Intermountain Circuit, and WILLIAM N. WOLFSON, manager of the Paramount Theatre, Montgomery, Ala.

•

SHIRLEY ROSS will be guest of honor at the annual fresh air benefit show of the Toronto *Star* in Toronto on Aug. 23.

•

ERROL FLYNN and LAWRENCE TIBBETT were passengers on the United Airlines' *Mainliner* which arrived in New York from the Coast Friday.

•

EDMUND SOUHAMI, attorney, has moved his offices to the New Amsterdam Building.

ERNEST A. ROVELSTAD, managing editor of *Motion Picture Herald*, returns to his desk today in the *Herald* offices in Radio City after spending several weeks in New England.

•

DAN PONTICELLI, New Jersey booker for Warners, is vacationing in Miami, due back Aug. 14.

•

CATHERINE THOMAS of the Irving Trust staff in RKO for the past four years resigns as secretary to ANDREW CHRISTENSEN this week. She was married recently to THOMAS H. SMITH of New York.

•

C. A. KIRBY of the Universal foreign department is vacationing.

•

OSCAR SERLIN, connected with the filming of "The City," showing at the World's Fair, is in Skowhegan, Me., where during the week of Aug. 14 he will try out "Life With Father," scheduled for Broadway in the Fall.

•

MR. AND MRS. HARRY BRANDT are spending this week in Maine.

•

JOHN KRAFCISIN, Chicago; MR. and MRS. R. W. KENNEDY, Birmingham; MR. and MRS. WILLIS GRIST and daughter, VIRGINIA, of Lynchburg, Va.; MR. and MRS. MERRILL LINDLEY of Indianapolis; MRS. IRMA ROGERS and IRMA CLERC of New Orleans; HELENA STEVENSON of Hamilton, O., and WILLIAM H. EDMUNDS of Charleston, W. Va., among the trade people vacationing in New York.

•

ALBERT CLARKE, manager of the Carlton, Providence, is on a two weeks vacation. SAM KAUFMAN is relief manager.

•

GEORGE MILLMAN of the UA home office was in Providence to assist ED MCBRIDE with a "Four Feathers" campaign.

•

W. FRENCH GITHENS, head of Newsreel Theatres, Inc., is in San Francisco for the opening Aug. 20 of the new Telenews Theatre by the Pacific Coast Newsreel Corp. He will return to New York in about a month.

•

HUSSEIN YATEEM, only exhibitor in the Bahrein Islands, Persian Gulf, is visiting in New York.

Zukor at Convention

SYDNEY, Aug. 6.—Paramount's annual sales convention for Australia, New Zealand and Far East was concluded here last week with Adolph Zukor and John W. Hicks attending. They then left for Brisbane, continuing their tour of Australia which will be concluded Aug. 18, when they sail for California.

Bioff in Hollywood

HOLLYWOOD, Aug. 6.—William Bioff, formerly west coast representative for George Browne, I.A.T.S.E. president, arrived Friday by plane, presumably from Washington where he had gone two weeks ago. He conferred with Browne in the east.

Joe Schwartzwalder Schine Golf Champ

GLOVERSVILLE, Aug. 6.—Joe Schwartzwalder, Schine Auburn city manager, who made the lowest gross score and a hole in one at the convention golf tournament here Thursday, has been declared the 1939 Schine golf champion.

Second prize went to John Winn of Gloversville, and third to M. A. Conrow of Altec Service.

The meeting ended Friday with the following speakers: J. Myer and Louis W. Schine; Marsh Gollner, Maryland-Delaware district manager; Hugh Elsasser of DeVry Corp., Chicago; A-Mike Vogel, *Motion Picture Herald*; Gene Curtis, Schine advertising head, and Howard Antevil, chief of legal staff.

AFL to Weigh Actors Dispute On Thursday

(*Continued from page* 1)

ville actors who have been ousted by the 4-A and will probably go into Thursday's meeting with a clean slate of non-interference with other actor unions. After the vote, however, it is almost certain that Stagehands Union Local 1 of the I.A., will refuse to permit "Leave It to Me," legitimate show in which Miss Tucker was scheduled to open Aug. 21, either to play on Broadway or go on the road. Further moves against every show on Broadway are also anticipated.

Miss Tucker was suspended by Equity Friday pending a hearing on the charges Aug. 22, one day after she was scheduled to open in "Leave It to Me." Vinton Freedley, producer of the show, said he was "in the middle," that he might sue Equity for damages and postponed the opening.

Miss Tucker denounced Equity for being "bad losers."

Ralph Whitehead, A.F.A. executive secretary, said he had received a petition for a membership meeting from the "Ferrets," an opposition minority in the union, and that the matter had been referred to the Council.

Executive board of New York stagehands, Local 1, has pledged loyalty to Browne.

Charges against Harry Richman, A.F.A. vice-president, will be considered tomorrow by Equity.

TMAT Affiliation With IATSE Nears

Affiliation of the Theatrical Managers, Agents and Treasurers Union film division with the I.A.T.S.E. appears certain. Officials of the union conferred with George E. Browne, I.A. president, yesterday.

If Browne offers the T.M.A.T. an I.A. charter, the film division is expected to accept and break away from the legitimate group if necessary to do so. The legitimate managers and press agents are split on I.A. affiliation.

The T.M.A.T. board of governors approved the start of talks with Browne by a 5 to 3 vote Friday.

MOTION PICTURE DAILY

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While the industry thrills to the news of the greatness of M-G-M's "WIZARD OF OZ" here is the ever-growing list of theatres which will play it in the biggest simultaneous launching any picture ever got! Synchronized with giant $250,000 ad campaign!

United Artists, Chicago . Grand, Atlanta Vendome, Nashville . State, Memphis State, Houston . State, New Orleans Midland, Kansas City . State, St. Louis Palace, Indianapolis . Loew's, Louisville Victory, Evansville . Loew's, Rochester State, Syracuse . State & Orpheum, Boston State, Providence . Palace, Washington, D.C. . Century, Baltimore . State, Norfolk Parkway, Wilmington . State, Cleveland Strand, Scranton . Boyd, Philadelphia Poli, New Haven . Poli, Bridgeport Poli, Hartford . Poli, Waterbury . Poli, Springfield, Mass. . Poli, Worcester Valentine, Toledo . Loew's, Akron Loew's, Canton . Loew's, Dayton . Ohio, Columbus . Penn, Pittsburgh . Colonial, Reading . Regent, Harrisburg . Carolina, Charlotte . Shea's Buffalo, Buffalo Orpheum, Denver . State, Minneapolis Paramount, St. Paul . Wisconsin, Milwaukee . Palace, Albany . Palace, Dallas Majestic, San Antonio . Criterion, Oklahoma City . Omaha, Omaha . United Artists, Portland . Ritz, Tulsa . Warfield, San Francisco . Des Moines & Roosevelt, Des Moines (Day and Date) . Fifth Ave., Seattle . Carthay Circle, Los Angeles . Cataract, Niagara Falls . Virginia, Champaign, Ill. . Colfax, South Bend . Centre, Salt Lake City . Indiana, Terre Haute . Lyceum, Duluth . Riviera, Binghamton . Grand, Topeka . Miller, Wichita . Colonial, Allentown . Broadway, Kingston . Bardovan Poughkeepsie . Paramount, Oakland Warner, Youngstown . Lincoln, Trenton Ellanay, El Paso . State, Portland, Me. Fox, Spokane . Music Box, Tacoma Academy, Meadville, Pa. . Drake, Oil City, Pa. . Cambria, Johnstown, Pa. . Penn, New Castle, Pa. . Menlo, Charleroi, Pa. State, Altoona, Pa. . Lyceum, Kittaning, Pa. . Manos Band Box, Vandergrift, Pa. Colonial, Elmira, Pa. . American, Roanoke Ceramic, E. Liverpool, Ohio . Havens, Olean, N. Y. . Princess, Modesto, Calif. Pine Tree, Klamath Falls, Ore. . Madison, Peoria . Orpheum, Springfield, Ill. . Regent, Grand Rapids . Capitol, Flint . Strand, Lansing . State, Kalamazoo . Ute, Colorado Springs . Lincoln, Cheyenne Lafayette, Lafayette, Ind. . Keith Albee, Huntington, W. Va. . Ohio, Lima . Gillioz, Springfield, Mo. . Morgan, Ironwood, Mich. . State, Easton . Rialto, Williamsport, Pa. . Capitol, Charleston, W. Va. Mayfair, Asbury Park . Majestic, Perth Amboy . Ohio, Sandusky . Capitol, Little Rock . Regent, Bay City . Regent, Battle Creek . State, Ithaca . Stanley, Utica Proctor's, Schenectady . Garde, New London . Stamford, Stamford . Elsinore, Salem, Ore. . Worth, Ft. Worth . Fargo, Fargo, N. D. . Rialto, Butte . Orpheum, Ogden, Utah . Ada, Boise, Ida. . Emboyde, Ft. Wayne Rivoli, Muncie . Chateau, Rochester, Minn. State, Sioux Falls . Paramount, Austin, Minn. Paramount, Austin, Tex. . Paramount, Cedar Rapids . Capitol, Sioux City . Carolina, Wilmington, N. C. . Washington, Quincy, Ill. . Wilson, Fresno, Cal. . Stamford, Palo Alto, Cal. . Irvin, Bloomington, Ill. . Michigan, Jackson, Mich. Carolina, Durham . Ambassador, Raleigh . Carolina, Winston Salem . Rialto, Amsterdam . Rialto, Monticello . Community, Saratoga . Palace, Norwich . Paramount, Middletown . Broadway, Newburgh . Kallett, Oneida . Waco, Waco . Majestic, Wichita Falls . Bijou, Bangor . Capitol, Davenport, Ia. . Mt. Baker, Bellingham, Wash. . Liberty, Yakima, Wash. . Rivoli, La Crosse . California, San Jose, Cal. . Senator, Sacramento . Circle, Annapolis . Paramount, Lynchburg . Arcade, Salisbury . Missouri, St. Joseph . Booth, Independence, Mo. . Paramount, Hot Springs . Paramount, Jackson, Tenn. . Indiana, Bloomington, Ind. . Tivoli, Richmond, Ind. . Sipe, Kokomo, Ind. Dakota, Grand Forks . Smoot, Parkersburg, W. Va. Paramount, Ashland, Ky. . Regent, Saginaw State, New Bedford . Main, Pueblo . Majestic, Beloit . Grand, Wausau . Orpheum, Madison, Wis. Meyers, Janesville, Wis. . Braumart, Iron Mountain, Mich. . Fond Du Lac, Fond Du Lac . Fox, Marinette . Maryland, Hagerstown . Maryland, Cumberland . McDonald, Eugene, Ore. . Rio, Appleton, Wis. . Venetian, Racine . Kenosha, Kenosha . Sheboygan, Sheboygan . Jefferson, Beaumont . Strand, Pt. Arthur . Arcadia, Baytown Fairmont, Fairmont, W. Va. . State, Washington, Pa. Shea, Bradford . Rialto, Lewistown, Pa. . Du Bois, Du Bois, Pa. . Center, High Point, N. C. . Capitol, Salisbury . Lyric, Lancaster, Ohio . Geneva, Geneva, N. Y. . Auburn, Auburn . California, Salinas, Cal. . Fox, Watsonville, Cal. . Peninsula, Burlingame, Cal. . Porter, Woodland, Cal. . Lincoln, Decatur, Ill. . Fischer, Danville, Ill. . Illinois, Macomb, Ill. . Center, So. Haven, Mich . Carolina, Greensboro . Colonial, Bluefield . Glove, Gloversville . Oneonta, Oneonta . Avon, Watertown Carolina, Hickory . Shea's Union, New Philadelphia, Ohio . Empress, So. Norwalk . Warner, Torrington . Capitol, Willimantic . Paramount, Amarillo . Flynn, Burlington . State, Harrisonburg, Va. . Capitol, Pittsfield . Empire, Lewiston Capitol, Concord . Garden, Greenfield, Mass. Fitchburg, Fitchburg . Haines, Waterville, Me. Nicholas, Fairmont, Minn. . Electric, Larned, Kan. Liberty, Lewiston, Wash. . West, Trinidad . Avalon, Grand Junction . Kerredge, Hancock . Capitol, Grand Island . Iowanna, Red Oak, Ia. . Will Rogers, Charleston . Paramount, Charlottesville . Avalon, Easton, Md. . State, Havre De Grace . Logan, Logan, Ohio . Fox, Hutchinson, Kan. . Palace, Corpus Christi . Texas, San Angelo . Illinois, Centralia . Liberty, Great Falls, Mont. . Wilma, Missoula, Mont. . Chief, Pocatello, Ida. . Indiana, Marion . State, Anderson . Logan, Logansport Hollywood, Petoskey . Liberty, Benton Harbor Lyric, Traverse City . Garden, Frankfort, Mich. Star, Scottsville . Michigan, Muskegon . Maltz, Alpena, Mich. . Bridgman, Bridgman, Mich. Grand, Grand Haven . Loma, Coloma, Mich. Opera House, Jamestown, N. D. . State, Winona, Minn. . State, Mankato, Minn. . Saenger, Pine Bluff . Strand, Jonesboro, Ark. . Mahaska, Oskaloosa, Ia. . Capitol, Ottumwa, Ia. . Fort, Rock Island . Strand, Waterloo, Ia. . Orpheum, Parsons, Kan. . Vilis, Eagle River . Star, Oconomowoc Nordic, Marquette . Michigan, Escanaba . Oshkosh, Oshkosh . Lawton, Lawton, Okla. . Aztec, Enid, Okla. . Paramount, Glens Falls . Columbia, Paducah . Princess, St. James, Minn. . Lucas, Savannah . Grand, Macon . Ritz, Chillicothe Colonia, Norwich, N. Y. . Strand, Ogdensburg Pontiac, Saranac Lake . Colonial, Augusta, Me. Palace, Ashtabula, Ohio . Colonial, Portsmouth, Ohio . Capitol, Salisbury, N. C. . Majestic, Reno Capitol, Jefferson City . Hollywood, Leavenworth Carolina, Hendersonville, N. C. . Liberty, Vandalia, Ill. . Roseland, Flat River, Mo. . Effingham, Effingham, Ill. . Iowa, Keokuk, Ia. . Pantheon, Vincennes . Clazell, Bowling Green, Ohio Bourbon, Paris, Ky. . Liberty, Pikesville, Ky. Community, Catskill . Hunter, Hunter, N. Y. Asuable Clube, Keene Valley, N. Y. . Pine Plains, Pine Plains . Adirondack, Speculator, N. Y. Royal, Spirit Lake, Ia. . Carolina, Lexington, N. C. Princess, Del Rio, Tex. . Cumberland, Brunswick, Me. . Opera House, Bath, Me. . Wilton, Wilton, Me. . Princess, St. James, Minn. . Lake, Detroit Lakes . Grand Duquoin . Strand, Dover, N. H. Strand, Rockland, Me. . Wilson, Wilson, N. C. Liberty, Olympia, Wash. . Hollywood, Montevideo, Minn. . Carolina, Spartanburg . California, Stockton . Schines State, Fostoria . Shea's Paramount, Fremont . Poncan, Ponca City . Washita, Chickasha . Rex, Bolton Landing . Chester, Chestertown Whipple, Fleischmanns . Lake, Lake George Palace, Lake Placid . Liberty, Liberty . State, Ticonderoga . Roxy, Peru, Ind. . Kingston, Cheboygan . Lyric, Cadillac . Lake, Devils Lake . New Ulm, New Ulm, Minn. . Vernon, Mt. Vernon, Ohio Ritz, Tiffin, Ohio . Schine's, Wooster, Ohio . Ritz, Muskogee, Okla. . Granada, The Dalles, Ore. Manring, Middlesboro . Plaza, Burlington, Wis. Sprague, Elkhorn, Wis. . Arcadia, Harlingen, Tex. Texas, Denton, Tex. . Dreamland, Livermore Falls World, Kearney, Neb. . Simon, Brenham, Tex. Cameron, Cameron, Tex. . Palace, Cisco, Tex. Rig, Anahuac, Tex. . Lyric, Gillespi, Ill. . Lincoln, Robinson, Ill. . Arcadia, Olney, Ill. . Orpheum, Mackinaw Island . Community, Harbor Beach Palace, Silsbee . Madison, Richmond, Ky. . Amenia, Amenia, N. Y. . Totem Lodge, Averill Park Grand Hotel, Highmount . Millerton, Millerton Phoenicia, Phoenicia . Temple, Kane, Pa. St. Mary's, St. Mary's, Pa. . Rialto, Grayling, Mich. Orpheum, Franklin, Pa. . Ritz, Clearfield, Pa. Opera, Sun Valley, Ida. . Margie Grand, Harlan Peoples, Chanute, Kan. . Arcade, Horton, Kan. Iola, Iola, Kan. . Regent, Newton, Kan. . Dreamland, Russell, Kan. . Noll, Bethany, Kan. . Star, Nevada, Mo. . Geneva, Lake Geneva, Wis. . State, Rhinelander, Wis. . Aqua, Minocqua, Wis. . Mattoon, Mattoon, Ill. . Miller, Festus, Mo. . Orpheum, Harrisburg, Ill. . Orpheum, Twin Falls . Hart, Hart, Mich. . Vogue, Manistee, Mich. . Lyric, Ludington, Mich. . Holland, Holland, Mich. Rogers, Rogers City, Mich. . Star, Gladwin, Mich. Community, Elk Rapids . Temple, E. Jordan, Mich. Playhouse, Whitehall, Mich. . La Nora, Pampa, Tex. McSwain, Ada, Okla. . Bay, Alexandria Bay Franjo, Boonville . Park, Cobleskill . State, Deposit, N. Y. . Maple, Jeffersonville, N. Y. Manor, Livingston Manor . Massena, Massena Galli Curci, Margaretville . Empire, Pt. Henry Harris State, Salem, Ohio . Valentine, Defiance, Ohio . Athena, Athens, Ohio . State, Uniontown, Pa. . Orpheum, Franklin, Pa. . Ritz, Clearfield, Pa. Strand, Ridgway, Pa. . Del Mar, Santa Cruz . State, Monterey . Senator, Chico . Fox, Visalia . Merced, Merced . Hanlon, Vallejo . State, Garden City, Kan. . Regent, Newton, Kan. . Family, E. Tawas Gaylord, Gaylord . Regent, Allegan . Midstate, W. Branch . Iosco, Oscoda, Mich. . Ideal, Clare, Mich. . Ward, Mt. Pleasant . Oz, Freemont Boyne, Boyne City . Rivoli, Hastings, Neb. . Eneau, Pittsburg, Cal. . State, Martinez . Strand, Covington . State, Westminster, Md. . Aggie, Arlington, Tex. . Rialto, Denison, Tex. . Palace, Corsicana . Lyric, Brownwood . Capitol, Brownsville Paramount, Bristol . Center, Rocky Mount . Pitt, Greenville . Modene, Stanbury, Mo. . Lyric, Plattsburg, Mo. . Ritz, Big Springs, Tex. . Palace, Colorado, Tex. . Oklahoma, McAlester . Texas, Sherman, Tex. . Palace, Seguin, Tex. . Etc., Etc.

SHE LIVED ON THE



WHEN

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A **JOHN M. STAHL** PRODUCTION

Produced and Directed by JOHN M. STAHL

Production in Mexico Faces Deep Crisis

MEXICO CITY, Aug. 6.—Depression is deepening for the producers of Mexican films and to some extent for their exhibition as well. Production is almost at a standstill, limited virtually to films that were started some time ago and whose producers are determined to complete them. Faulty financing and lesser demand are the principal factors.

Exhibitors generally prefer American and other foreign films to those made here because the former are easy to exploit, have well known stars, require little advertising and are sure to return a profit. The Mexican pictures are more or less speculation, demanding costly publicity, so exhibition is practically nil.

A checkup shows that there are about 30 films made in Mexico on the shelves because of their unsuitability for exhibition. Some producers hope to alleviate this situation by encouraging a demand in the Argentine for Mexican pictures.

However, the Argentine producers are seeking a market in Mexico, with 21 films having arrived here with plans for wide exhibition. The Mexican producers resent this "foreign invasion."

French pictures have recently come into popularity, and even the Japanese are attempting to make inroads, the legation having screened a dozen films for exhibitors, but Hollywood need not worry. Nearly 96 per cent of the pictures shown in this country are American.

Mexico City Notes

MEXICO CITY, Aug. 6.—A theatre for children, intended to combat what it describes as the evil influence of pictures shown at Sunday morning cinema shows, has been opened here by the general direction of Civic Action, a semi-official uplift organization. The theatre functions once a fortnight. It is soon to go on a once-a-week basis.

Some newspaper film critics are taking jabs at this theatre, contending that some of its presentations, such as those dealing with the Spanish Inquisition, are hardly proper for children.

Success of Film revivals in the United States has prompted Pedro Calderon, producer-distributor, to book for Mexico several of these films, including some very early Chaplins, "The Eagle" with Rudolph Valentino and Paul Muni's "Scarface."

Organization has been completed here of Mundial Films to distribute French pictures. It is headed by A. Signoret, proprietor of a large local department store. This firm has brought in three French pictures and has booked "Janosek," made in Czechoslovakia.

'Golden Boy' Campaign

Columbia plans an extensive campaign for "Golden Boy," to be released early in September. It will include large space in newspapers, in fan magazines appearing between Aug. 15 and Sept. 10 and cooperative ads.

Albany Incorporations

ALBANY, Aug. 6.—Statement and designation has been filed by the Legitimate Theatre Corporation of America, incorporated in Illinois, with the office of the Secretary of State. Papers filed by Phillips and Nizer, 1501 Broadway, showed 400 shares of stock, 100 at $100 and 300 shares, no par value. New York office is at 1697 Broadway, with Fortune Gallo, executive director, in charge.

Papers of dissolution were filed by the Ruth Outdoor Advertisement Corporation, Colonie, with the Secretary of State, through Isador Taub, Albany.

Incorporation papers have been filed with Michael F. Walsh, Secretary of State, for M. E. & H. Amusements, Inc., New York, with A. F. Solomon, Estelle Klein and Ethel Wolff, 233 Broadway, as directors. Charles Goldman, same address, filed the statement.

Theatre Communications, Inc., has been incorporated with capital stock of $98,800 in $20 shares. Directors are Paul J. Davis, 320 E. 42nd St., New York; John S. Marran, 160 Bridge St., Stamford, and Frank A. Visone, 87 Lake End Road, Merrick, L. I. Thomas W. Constable, 111-29 196th St., Hollis, is listed as a subscriber.

Triad Theatres, Inc., 200 shares, no par value, with George Blake, 126 Girard St., Brooklyn, Susanne Groves, 114-20 203rd St., St. Albans, L. I., and Ruth Cantman, 110 E. 42nd St., New York. Attorney is Frederick Silver, 110 E. 42nd St., New York.

Transatlantic Distributors, Inc., has been licensed to conduct a motion picture distribution business, with $20,000 stock. Shares will be valued at $200. Directors are Milton Lowenthal, Saul Bernstein and Anna Schwartz, New York.

Van-Lope Amusement Co., Inc., Jamestown, has been issued a license with capital stock of $10,000, 1,000 shares. Directors are Elmer V. Olson, Herbert P. Schow and Harold C. Benherm, Lakewood. Alton R. Erickson of Jamestown is attorney.

P.P.C. Sends First Five Before Cameras

HOLLYWOOD, Aug. 6.—Launching the first of a scheduled 60 releases for 1939-'40, Producers Pictures Corp. will send five before the cameras this month.

Exchanges have been notified of the following October release dates: Oct. 1, "Torture Ship," to be directed by Victor Halperin; Oct. 8, "The Sagebrush Family Trails West," starring Bobby Clark; Oct. 15, "Hitler—Beast of Berlin," with Sherman Scott, director; Oct. 22, "Wanted for Murder," to be directed by Scott; Oct. 2. "The Man From Oklahoma," starring George Houston, with Robert Tansey, director.

Distribution will be through its own and affiliated exchanges.

Abe Fischer, former sales executive for Gaumont-British in the Middle West, has been appointed manager of Ben N. Judell's Chicago exchange, and, in addition, will act as district manager for Producers Pictures in the Chicago, St. Louis, Detroit, Cleveland, Milwaukee, Minneapolis, Cincinnati, Kansas City, Indianapolis, and Omaha territories. Harry Rathner is eastern representative and district manager.

Dismiss Shubert Suit

Supreme Court Justice Edward A. McGoldrick on Friday dismissed an action brought by J. J. Shubert on behalf of Douco Corp. against Charles D. Coburn for recovery of $3,000, representing the sales price of the film rights to the play "The Farmer's Wife." Action was dismissed for failure to prosecute.

Montreal Safety Films

MONTREAL, Aug. 6.—City of Montreal and Province of Quebec jointly plan a series of films demonstrating public safety to children.

Fight Drive-In

Milford, Conn., Aug. 6.—Property owners in the vicinity of the Drive-In Theatre on the Milford Turnpike, first in the state, have contributed to a "war chest" to fight for closing of the theatre as a public nuisance. The action came at a well attended meeting in the Town Court. Opposition has been gathering for many weeks, residents claiming the sound can be heard for more than a mile from the theatre late into the night.

'Blondie' Strongest Magnet at Omaha

OMAHA, Aug. 6.—"Blondie Takes a Vacation" pulled a dandy $5,300 at the Brandeis in a dual with "Five Came Back." "Blondie" was the second feature until the drawing power became apparent. It was then moved to top position.

"Captain Fury," dualled with "Bridal Suite," surprised by drawing $7,600 at the Omaha.

Estimated takings for the week ending Aug. 2-3:

"Five Came Back" (RKO)
"Blondie Takes a Vacation" (Col.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $5,300. (Average, $4,000)
"Captain Fury" (U. A.)
"Bridal Suite" (M-G-M)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $7,600. (Average, $6,000)
"Naughty But Nice" (W. B.)
"Jones Family in Hollywood" (20th-Fox)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $7,100. (Average, $7,600)

To Open Yonkers House

Films and summer stock shows at half-week intervals will be the policy at the Warburton, Yonkers, which will be opened soon by Ruben Grosman.

Bingo Games Extended in Cincinnati

CINCINNATI, Aug. 6.—Local exhibitors, already suffering appreciable effects from Bingo competition, fear even greater inroads on theatre attendance through action of City Council which, by a vote of 5 to 4, has elected to include labor, civic, turners and patriotic organizations and their auxiliaries as eligible to receive playing permits from City Manager Sherrill, who, since Jan. 1, has limited permits to churches, religious and fraternal societies.

Theatre men are worried, especially since one member of the Council declared in open meeting that "Bingo is a harmless amusement and pastime, and should be played by everyone."

Within the past week the local independent exhibitor group voted on petitioning the Council to include theatres in the eligibility list for permits, but the proposition lost by one ballot.

Concurrently with council's action, Police Chief Weatherly released the July report showing 156 games having been placed under the permit system, with total attendance, 188,503. Admission receipts totaled $154,426.55, prizes, $37,367.84, with profit to sponsoring organizations aggregating $117,058.71. The report showed lowest admission 20 cents, with the top $1.

Upholds Church Games

MILWAUKEE, Wis., Aug. 6.—In response to attacks against games sponsored by churches, Archbishop Samuel A. Stritch has declared that the games are not immoral when conducted according to church regulations, the primary purpose being recreation and the unexpended surplus going to charitable, religious or educational causes.

Pending in circuit court here is an action against the Bahn Frei hall to restrain it from holding bingo games. Plaintiff is Charles W. Trampe, president of Film Service, Inc., who is interested in several local theatres.

G. N. Sets First Releasing Deal

Grand National's first distribution contract with an independent producer was closed Friday by E. W. Hammons, president, with Charles E. Goetz. Deal calls for distribution of eight color features to be made by Goetz's recently organized Golden West Pictures, Inc.

Minimum of four of the pictures will be released on the 1939-'40 program. The first will be "Call of the Range," which has been completed and will be released in September. Headquarters of the Goetz company is in Phoenix, Ariz., and most of the production work will center in that locality. Earl Haley is in charge of production.

Other films planned are "Casa Grande," "The Apache Kid," "The Forest Patrol" and "Call Back Yesterday."

Operates Open Air House

Ed Lachman, former manager of the Jersey, Morristown, N. J., is now operating the Open Air Theatre, Mount Freedom.

Atlas Submits $1,500,000 Finance Plan

(Continued from page 1)

which is not subscribed for by these two groups.

As evidence of subscription, the company will issue transferable warrants to the two groups which may be exercised within 20 days thereafter. Two days thereafter, RKO is to advise Atlas of the amount of unsubscribed stock, for which Atlas will pay the company in cash within seven days from notification.

Testimony was given showing that the average price quoted for the new RKO common now is $5 per share, which the court observed meant a 20 per cent discount for the underwriter if the proposed $4 per share figure is permitted to stand. H. C. Rickaby, at the preceding hearing, estimated the market price of the new stock on reorganization at $3 per share and said that no underwriting agreement was likely to be completed in time for Friday's hearing.

However, N. Peter Rathvon and Frederick L. Ehrman, RKO directors, both associated with financial organizations, testified that the usual discount to an underwriter is "25 or 30 per cent" and the normal acceptance period is 20 days instead of the 60-day period offered by Atlas.

The offer may be withdrawn by either Atlas or the company after Aug. 29 if the preliminary conditions are not complied with, or in the event of a war in Europe, either commenced or "imminent" on that date, or because of an abnormal closing of the N. Y. Stock Exchange within the accepting period, or in the event of a substantial loss to RKO by reason of a calamity.

Atlas agrees to accept new common stock or warrants in an amount to be fixed by the court as payment for its underwriting services and for its complete reorganization services.

Nathan Rosenberg, attorney for H. Cassell & Co., an RKO creditor, contended the proposed price per share is too low, at which Judge Bondy observed that if Rosenberg could produce an underwriter with a better offer he would accept it. The court also observed that approval of the underwriting price still is up to the court.

All UTMP Officers Reelected to Posts

Full slate of officers was reelected unanimously by United Theatrical & M. P. Workers of America, an independent union of projectionists and stagehands. Those reelected were Bernard Deckoff, president; Freeman Horner, vice-president; Alexander Roth, business agent; Peter Waxberg, secretary; William Marom, treasurer; J. Rockman, sergeant-at-arms; James Coyle, Edward Palone and Rudy Palone, executive members.

RCA $724,091 Profit

Net profit of $724,091, after all deductions, for the quarter ended June 30 is reported by RCA. Six-month profit was $2,172,201 compared with $2,524,756 for the similar period last year.

BANNER RADIO LINES

By JACK BANNER

WRONG SPONSOR . . . About 1,500 spectators sweltered in one of the ballrooms at the Commodore Hotel Thursday night to watch the "glamour girl" contest which WHN and Zeke Manners are conducting. The show was on the air and at the first reading of the commercial a roar went up from the perspiring crowd. A manufacturer of air cooling equipment sponsors Manners' programs!

BOWES PHONE RESPONSE . . . Survey of telephone response to Major Bowes' program which just completed its 11th three-month period on CBS, reveals that more listeners registered telephone votes during this period than ever before. In the first year of the program there was an average of 8.9 calls for every 100 residence phones. The next year this increased to 43.5 calls, while the new high of the last quarter is 47.7 calls.

GOSH TO PRODUCE INDEPENDENTLY . . . At the close of September, Martin Gosh will terminate two extremely successful production years at CBS by setting out on his own to produce package programs. To do the job he'll open offices in New York and Hollywood. He will, however, continue on the Bob Benchley show as production head upon the program's return to the air in October. Gosh, in opening his business, will try an idea that impresses one as a winner. Formerly with Warner Bros., he'll steal a leaf from the picture business by confining his efforts solely toward building the entertainment, and will turn over the releasing—or selling—to another agency.

PERSONALS AND NOTES . . . Congratulations to Bill Kostka, NBC's new publicity manager, who on Friday became the father of a boy, his second child. . . . John E. McMillin, radio director of the Compton agency, now in Europe with Mrs. McMillin, will return to his desk Aug. 21. . . . Jane Stockdale of the Chicago Compton is visiting in New York. . . . John Taylor, general script supervisor at the same agency, will fly to Chicago next week for conferences with writers of Chicago-originated shows handled by the agency. . . . Bob Coleman, the *Mirror's* dramatic critic, will make a guest appearance in "If I Had a Chance" over NBC tomorrow night.

Congress Treats Lightly With Film, Radio Measures

(Continued from page 1)

reported by a Senate committee but not acted upon.

All of the film and radio activity was confined to the Senate, where the Interstate Commerce Committee held lengthy hearings on the Neely block booking bill and shorter hearings on the Barbour bill to repeal the fight film ban and reported both; both were passed by the Senate, the Barbour bill without difficulty but the Neely bill only after long debate. A Senate committee also held hearings on the Johnson bill to ban liquor ads, on which it split with reports submitted by both the majority and minority.

In the field of film legislation, all of the old stand-bys were reintroduced. These included the Neely, Edmiston, Culkin and Celler bills to ban block booking, the Culkin bill for creation of a Federal motion picture commission; the Dickstein bill to bar alien actors, on which he was turned down by his committee last year; the Hobbs bill to try out films in recording court trials; the Sirovich, McGranery and Moser bills to create a bureau of fine arts, the Barbour and Osmers bills on fight films, and several measures dealing with copyright.

Most important of the radio measures were the White, Connery and Wigglesworth resolutions for investigation of the Federal Communications Commission and the broadcasting industry, and the Wheeler, White and Lea bills for reorganization of the FCC, asked for by President Roosevelt.

Other measures included the Celler proposal for establishment of a Government broadcasting station, the Larrabee resolution for further investigation of superpower and the experimental licensing of one or more stations to operate with 500 kw., and a number of bills dealing with liquor advertising, copyright and other phases of broadcasting, such as the Maloney bill requiring disclosure where radio endorsements are paid for, the Schwellenbach bill requiring the keeping of a record of requests for time, and the Celler bill dealing with liability for defamation.

New Radio Firm

Jacques Green, Jack Kappes and Joseph Herman have formed a new radio production firm, Radiant Production, Inc. The firm will specialize in building shows for individual talent and preparing programs for television. Green is a well-known radio musician, while Kappes is a script writer, lately with McCann-Erickson.

Pittsburgh Outing

PITTSBURGH, Aug. 6.—More than 100 members of the M. P. T. O. of Western Pennsylvania attended its seventh annual outing and corn roast today at Dr. C. E. Herman's farm near Carnegie. Sports and games comprised the program. M. A. Rosenberg, president, and Fred Herrington, secretary, headed the committee.

NLRB to Hear Writers' New Complaint

(Continued from page 1)

agreed to recognize S.W.G. as sole bargaining agency for writers, though no agreement was reached on the length of the contract, percentage of guild shop and right of writers to own material written during layoff periods.

Case Splits NLRB

WASHINGTON, Aug. 6.—Dissension among N.L.R.B. members was disclosed over the weekend in connection with the Screen Writers Guild complaint against eight major studios.

The newest member of the board, William M. Leiserson, declined to sign an amended complaint in the case. Alleging Wagner Act violations, the complaint was issued Aug. 1, calling for further hearings Aug. 17.

No reason was assigned for Leiserson's action. It was said at the Board that this is the first instance in which any of the members had refused to sign a complaint, which is merely preliminary to the holding of hearings.

NLRB Asks Hearing On Studio Unions

(Continued from page 1)

member here, said a hearing is necessary before an election can be held. He declared that the differences between the two unions over the holding of a certification election are "only minor."

The U.S.T.G. hailed the move as a "victory" while the I.A.T.S.E. was silent.

The N.L.R.B. has been unable to get both sides to agree to a consent election and also on appropriate bargaining units due to the I.A.T.S.E. being organized along craft lines and the Guild on vertical unionism, like the C.I.O.

It is believed the Board's action will force delay in the producers' negotiations with the I.A.T.S.E. over the union's demand for closed shop contract and wage increases.

Films Contributed $68,772 to N. Y. Fund

(Continued from page 1)

tributed a total of $60,433; the exhibitors group, under B. S. Moss, which contributed $3,467; the laboratory group, under H. J. Yates, which contributed $652, and the allied accessory group under Herman Robbins, which contributed $4,218.

Among the larger contributors were: Loew's, $10,000 company contribution and $10,048 employes contribution; 20th Century-Fox, $7,500 company, and $1,817 employes; Paramount, $5,000 company, and $2,199 employes; Warner, $3,000 company,, $4,000 employes; RKO, $2,500 company, $4,395, employes; United Artists, $2,500 company, $857 employes; United Artists, $1,000 company, $2,316 employes, and National Screen Service, $1,500 company, and $500 employes.

New Fair Program

WMCA has scheduled a World's Fair program titled "Fun at the Fair," which is to begin August 21 at 8:25 a.m., and Mondays, Wednesdays and Fridays thereafter at that time.

THE THEATER

By RICHARD WATTS Jr.

IT STRIKES me that when I go on to say that Walt Disney is another film man without pretentiousness or side, that I am trying to write fan-magazine stuff. Nevertheless, it is the only way in which Disney can be described, and I think it is important to say so in a community ridden by phony pretentiousness, since the creator of Mickey Mouse, Donald Duck and "Snow White and Seven Dwarfs" is the one person working out here who can with any justification be referred to as a genius. It is strange that in so many years of connection with stage and screen I had never before met Mr. Disney or visited his studio, and it is only fair for me to report that I was delighted with both. One of the most loathsome traits of Hollywood is its insistence on caste, and it is therefore all the more pleasant to find that the Walt Disney studio is a completely democratic community in which all the employees actually do seem to be fellow workers engaged in the pleasant manufacture of masterpieces. It is not my purpose, however, to write about a studio, or even about the conversation of the man responsible for the cinema's most definite works of art. I have something more pleasant to say. I have seen parts of "Pinocchio," the next full-length Disney film.

What I saw was a rough draft, without color and with intermittent synchronization and most of the characters merely sketched in. Yet, even from this somewhat primitive version of what is to come I can tell you that here is an authentic masterpiece in the making which already makes "Snow White and the Seven Dwarfs" look like a scratch-pad exercise. I should warn all of the critics who raved about the earlier work to start looking up new superlatives, for here is a thing that for really lovely imagination is far ahead of anything in its field. I should tell you, also, that it contains at least two new characters —in the persons of Jiminy, a cricket, and Figaro, a kitten—that join Dopey, Mickey and Donald in the rich field of the Disney imagination and will occupy a place with them in our modern folklore.

———•

NEW YORK HERALD TRIBUNE.

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VOL. 46. NO. 26 NEW YORK, TUESDAY, AUGUST 8, 1939 TEN CENTS

Fear Nothing, Schine Reply To Trust Suit

U. S. Charges Untrue, Says Circuit Chief

GLOVERSVILLE, N. Y., Aug. 7.—Not yet served with a formal complaint in the anti-trust action which the U. S. government filed today in Buffalo, J. Myer Schine, president of Schine Enterprises, Inc., which has its headquarters here, declared that the organization would fight with all its resources against the charges.

All he knew about the government's allegations was what he had read in the daily papers, he said, but he was certain the Schine chain had "nothing to fear."

The Schine circuit has never broken any law, has always proceeded only after competent legal advice, and has engaged in no unethical practices, he contended. He was confident the government's charges could be proven unfounded and hoped for speedy action.

Willard McKay, prominent attorney with offices in New York, is in charge of the defense, assisted by Howard Antevil, head of the home office legal staff. The Schines will file an answer within 20 days.

Dissolution of the Schine chain by court order, "and its rearrangement in such a manner as to create competitive conditions and prevent further violations of the Sherman act" is

(*Continued on page 6*)

TMAT Battle Today On IATSE Charter

Special meeting of the board of governors of Theatrical Managers, Agents and Treasurers Union has been called for this morning to hear the report of a committee which conferred Sunday night in Atlantic City with George E. Browne, I.A.T.S.E. president, about an I.A. charter for T.M.A.T.

Although committee members refuscd to divulge what took place, it was apparent from their attitude and their demand for an immediate session of the board, that Browne had given definite assurances of a charter.

Today's meeting is likely to see a last ditch stand by press agents to block the move. The Motion Picture Division is solidly behind affiliation and will split away from the legitimate group, if the governors refuse to approve affiliation. Legitimate treas-

(*Continued on page 2*)

Trade May Get New Pact Draft Tomorrow

Newly revised draft of the trade practice code is expected to be given to the trade tomorrow. Company lawyers completed their work on the arbitration provisions yesterday and turned their draft of the rules over to William F. Rodgers of the negotiating committee.

The new draft, which is expected to be the one which will go into effect, will be presented at the meeting of the board of directors of the Southeastern Theatre Owners Association at Atlanta tomorrow. Ed Kuykendall, M.P.T.O.A. president, will attend.

Code Retroactive To June 1, Report

Industry trade practice code will be retroactive to June 1 and will apply on all products released on 1939-'40 schedules, according to an M.P.T.O.A. bulletin issued to its members yesterday.

The retroactive feature is cited, the bulletin says, in answer to reports that distributors are deliberately delaying putting the code into effect until the selling season is over because so many of its provisions apply to

(*Continued on page 6*)

Labor Board Calls Hearing on AFL-CIO Studio Union Battle

LOS ANGELES, Aug. 7.—N.L.R.B. officers here today received authorization to proceed with formal opening of a hearing into the jurisdictional fight between I.A.T.S.E. and C.I.O.-financed United Studio Technicians Guild.

Details of procedure and date for opening of sessions will be set tomorrow at a conference between I.A.T.S.E. and U.S.T.G. officials as well as producers' representatives. The hearing is looked upon in N. L. R. B. procedure as prerequisite for calling an election to determine whether I.A.T.S.E. or U.S.T.G. should be declared collective bargaining agency for the crafts now held by I.A.T.S.E.

William R. Walsh, senior Labor Board attorney, here late tonight received authorization from the National Board in Washington to proceed immediately with the case because of the danger of a wide strike affecting the entire motion picture business.

Possibility that other A. F. of L. locals in production crafts would ask the Painters International to discipline Moving Picture Painters Local 644 because of its friendly attitude toward U.S.T.G. was seen today as result of resolution passed by the local and read at yesterday's U.S.T.G. mass meeting.

SAG Leaders Fly on Strike Mission Here

Will Go Before A. F. of L. Council Thursday

Backed by 500 strike votes already on hand, Ralph Morgan, president of Screen Actors Guild, asserted on the coast yesterday that the S.A.G. was prepared to call a studio strike unless the A.F. of L. council order the I.A.T.S.E. to withdraw its charter from American Federation of Actors.

A delegation of screen actors will leave the coast by plane tonight and arrive here tomorrow. On Thursday, the delegation, supplemented by stars of radio and the legitimate stage, will appear before the council at Atlantic City.

TWA is supplying a special chartered plane with a traffic manager aboard to facilitate a speedy flight. The ship will be called the "Star Special."

It leaves Hollywood at 9 P. M. and arrives in Newark at 5 P. M. on Wednesday. Those aboard will be Ralph Morgan, SAG president; Larry Steers, Edward Arnold, Jean Muir, Mischa Auer, Wayne Morris and Henry Hull.

Ken Thomson, SAG executive secretary, left today by plane and Chester Morris by train.

Morgan's threat was in anticipation of a move expected to be made by

(*Continued on page 2*)

Nine New Plays Scheduled On Broadway Next Month

By EDWARD GREIF

Nine new shows are presently planned to open on Broadway's legitimate stages in September. Four are musicals, four dramatic pieces and one is a series of revivals. No new addition to the present list of 11 now on the boards will be made in August with the exception of the possible resumption on Aug. 21 of "I Must Love Someone," which suspended in mid-July.

Customary optimistic predictions for the new season are being qualified this year by pointing out that three important factors may play a large part in its success. Threatened warfare between Actors Equity and Stagehands Union may tie up production indefinitely if both groups decide on a finish fight.

One show, "Leave It to Me," has already been cancelled by the warfare. At the present time, backing is difficult to obtain because of the uncertainty.

Other factors are amendment of the Dramatists Guild pact to re-introduce film company backing, and a new ticket code. Consensus of opinion among both producers and dramatists is that if the provision that a $15,000 payment must be made in advance of production in order to acquire film rights, is permitted to stand, few film companies will enter Broadway production.

Principal hope for the ticket code lies in the fact that the Spellman bill is expected to pass the City Council early in September and thus limit price advances to 75 cents without further enforcement of the code by the League of New York Theatres. Violations would then be punished by the police instead of the League.

None of the three issues, however,

(*Continued on page 6*)

UA Lists Winners In Sales Campaign

Bert Stearn, United Artists Central district manager, and Ben Fish, Far West district manager, tied for first prize for the company's district managers in the 20th anniversary sales drive which ended July 1. Cash prizes will be awarded to a large number of winners in other sales classifications.

Harry Gold and L. J. Schlaifer, United Artists vice-presidents, described the drive as the most successful in the company's history.

Winners in other divisions are: James Hendel, Cincinnati, leading Eastern division salesman; F. M. Higgins, Seattle, leading Western division salesman; Guy Navarre, Seattle, leading Western division branch manager; D. Griesdorf, Winnipeg, leading Eastern division branch manager; Ray Curran, St. Louis; Elmer

(*Continued on page 2*)

TMAT Battle Today Over I. A. Charter

(*Continued from page* 1)

urers, too, are in favor of affiliation. Walter O'Connor, their chairman, is one of the leaders in the affiliation move.

The committee which conferred with Browne included Sol Abraham, president; James Murphy, Charles P. Carroll, Joseph Grossman and Murray Seaman. William Fields, press agent, refused to attend.

Petitioners who signed the request for the special meeting of the governors were Carroll, Joseph Silverman and Charles Sholod, of the film division, and Thomas Burke and Charles Bowman, of the legitimate stage side.

Also set for tonight is an executive board meeting of the M.P. Division. Up for discussion will be a strike against the Paramount, Springfield, which is scheduled to reopen Thursday, and continuation of a strike at Vogue, Bronx, which reopens today.

UA Lists Winners In Sales Campaign

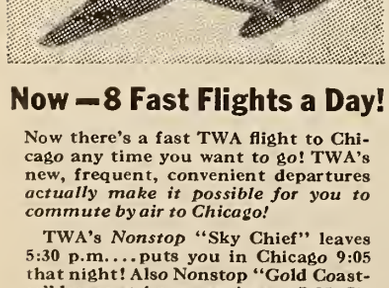
(*Continued from page* 1)

McKinley, Washington; Jack Reid, Winnipeg; Roy Sachs, Dallas; Harold Hardin, Seattle, and David Brown, Pittsburgh, bookers of the leading branch in each district.

In addition, all employes of the San Francisco exchange will receive a prize as a result of that branch's record in exceeding its played and earned quota by the greatest margin of any exchange during the drive.

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TWA

SHORTEST, FASTEST COAST-TO-COAST

Purely Personal

HOWARD DIETZ, M-G-M advertising and publicity chief, returned yesterday on the *Queen Mary* from a trip to London and Paris. MRS. DIETZ returns in a couple of weeks.

•

MRS. JOSEPHINE BUTLER, who was JOANN DE NATALIE when she was secretary to E. W. HAMMONS at Educational, recently gave a dance instruction program over NBC television with her husband, ALBERT, of the Butler Studios. They may do a series of such programs in the fall.

•

CARY GRANT returned on the *Ile de France* yesterday from a vacation in England. Last night he took PHYLLIS BROOKS to see him in "In Name Only" at the Radio City Music Hall, and newspaper cameramen had a field day.

•

DICK HENRY of the William Morris office sails today on the *Ile de France*. With him go GERTRUDE and MAX HOFFMAN and their troupe of dancers, WILLY WEST & MCGINTY and others, for the next "Crazy Show" at the London Palladium.

•

SAM SUGGS, manager of the Palmetto in Columbia, S. C., has been named chairman of the theatre division of the 1939-'40 Community Chest campaign.

•

PHIL DUNAS, Midwest district manager for Columbia, is in New York from Chicago, conferring with ABE MONTAGUE, general sales manager.

•

ROBERT STEVENSON sails on the *Normandie* for New York tomorrow, to start work under a contract with Selznick International.

•

DOROTHY NESSEL, amusement advertising representative of the Chicago *Daily News*, is spending a three-week vacation on the Coast.

•

W. P. GROSSMAN, operator of the Circle in Nevada, Ia., and MRS. GROSSMAN have left for a vacation of several weeks.

•

DANNY MCCARTHY, Universal salesman in southern Iowa, is the father of a boy born last week to MRS. MCCARTHY.

•

JOHN C. WILSON, theatrical manager for NOEL COWARD, and MRS. WILSON sail for London today on the *Ile de France*.

•

JESSE LASKY will bring his "Gateway to Hollywood" program to San Antonio for the week of Aug. 19.

•

KAY FRANCIS is spending a week at the farm home of LOUIS A. BROMFIELD, at Mansfield, O.

•

SAM CLARK, Warner press representative in Chicago, has returned from a vacation in Hollywood.

•

ALFRED H. MORTON, NBC vice-president in charge of television, is vacationing in New England.

•

W. W. SULLIVAN, 20th Century-Fox manager in Panama, is visiting at the home office.

•

CHARLES J. PANNILL, president of RCA Institute, sails today for European meetings.

J. ROBERT RUBIN, vice-president and general counsel of Loew's, plans a European vacation and may sail on the *Queen Mary* tomorrow.

•

AARON FEINBERG of the maintenance department of B. & K. Theatres, Chicago; MR. and MRS. MILTON CUSHNER of the Joseph Weiss Theatres, Pittsburgh, and HENRY ALTER of Youngstown, O., are among the visitors in the city.

•

HAZEL FLYNN, JOSEPH MOSKOWITZ, W. RAY JOHNSTON, GEORGE WEST, MONROE GREENTHAL, EDWARD GOLDEN, WILLIAM SCULLY, OSCAR DOOB, ALEC MOSS, BOB WEITMAN, WILLIAM FITELSON, GEORGE WEEKS lunching at BOB GOLDSTEIN'S Tavern yesterday.

•

TOBY GRUEN, JAMES GRAINGER, WILLIAM RODGERS, MAX A. COHEN, EDMUND GRAINGER, JOSEPH BERNHARD, JACK WILK, AL FRIEDMAN, JOSEPH FRITSCH, ALFRED MACCOSKER at Nick's Hunting Room in the Astor for lunch yesterday.

•

HARRY BUXBAUM, Metropolitan district manager for 20th Century-Fox, and yachtsman of renown, has installed a new engine in his 50-foot yawl, *Tern*, and is now set for forthcoming competitions.

•

WILLIAM SISTROM, RKO producer, returned yesterday on the *Queen Mary* from London where he made "The Saint in London." He had been in England since February. He left last night for the coast.

•

BEN GREIFER, house manager at the Paramount, is vacationing at Grossinger's. He returns at the end of the week.

•

AL ADAMS, Republic advertising and publicity director, is vacationing by motor in New England.

•

BETTY LAMB is the new secretary to TOM GERETY at M-G-M.

River's Depth

Movietone Cameramen On Air in Tunnel

Deep below the surface of the East River, Al Gold and Leroy Kennedy, Movietone News cameramen, were interviewed while at work on the "Americans at Work" program over CBS Saturday night.

The interview took place while the cameramen shot films of the construction work of the Queens Midtown vehicular tunnel, from 42nd St. to Long Island City. This was at the deepest point under the water, about 125 feet.

Truman H. Talley, producer of Movietone, conceived the newsreel-radio tieup, with Dan Doherty acting as technical adviser. Brewster Morgan, producer of the air show, and John Reed King, announcer, handled the "mike" end.

Newsreel and radio crews were in the unfinished tunnel for three hours, much time being required to set up the lights, cameras and wires. The interview on the air required a half hour.

SAG Leaders Fly on Strike Mission Here

(*Continued from page* 1)

Stagehands' Union, Local 1, I.A.T.S.E., to tie up Broadway legitimate shows in retaliation for the suspension of Sophie Tucker, A.F.A. president.

Meanwhile, the A.F.A. continues to operate in the vaudeville field and is preparing to move into larger quarters shortly. Courtroom sources revealed that a decision on the application for a temporary injunction made by A.F.A. against Associated Actors and Artistes of America and American Guild of Variety Artists will be handed down at noon today.

Broadway producers, worried by threatened labor war which has already forced the closing of one show, "Leave It to Me," are considering steps to prevent further casualties.

Board of governors of League of New York Theatres meets tonight for discussion of the problem.

RFC $750,000 Loan To Disney Revealed

WASHINGTON, Aug. 7.—Reconstruction Finance Corporation's monthly report issued today disclosed that Walt Disney was advanced $750,000 at about the same time that an advance of $400,000 was made to Educational Pictures by the R.F.C.

It was explained, however, that no information regarding the making of loans is made public other than in the monthly reports. The R.F.C. participated in the Disney financing with the Bank of America and National Trust and Savings of Los Angeles.

Harry Warner Sails Abroad Tomorrow

Harry M. Warner, president of Warners, is scheduled to sail for Europe tomorrow on the *Queen Mary*. He will confer with company representatives in London and Paris, including Sam Sax, who is in charge of British production.

Max Milder, Warners managing director in Great Britain, who has been visiting here, will sail on the same boat.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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"PAPA'S NOT HOME HE WENT TO SEE 'LADY OF THE TROPICS'!"



Dear Mr. Exhibitor:

We have just screened a picture which will be in the headlines of the trade press box-office reports immediately after release, August 11th. When you book the picture, just call out the cops and settle down for a long run. Here comes ROBERT TAYLOR, HEDY LAMARR in M-G-M's "LADY OF THE TROPICS."

Directed by Jack Conway • Produced by Sam Zimbalist • Screen Play by Ben Hecht

THE FRIENDLY *(especially in Summer!)* **COMPANY**

RADIO CITY MUSIC HALL

IN THREE YEARS ON AIR

New York Crowds and Critics Thrill and Cheer as Carole Battles Kay for Cary!

"Magnificently done... has superior quality... a generally excellent cast contributes in making it one of the most adult and enjoyable pictures of the season." *–B., N. Y. Times*

" . . . As real and believable as one would ever wish to encounter . . . A first-rate emotional film that will bring tears to the eyes . . . fine and entertaining."
–R. W. D., N. Y. Herald Tribune

"A fully grown-up drama of love . . . will interest the women particularly, for it deals with their problems not only realistically but boldly."
–Bland Johaneson, N. Y. Daily Mirror

"Fine direction and splendid acting."
–Kate Cameron, N. Y. Daily News

"Easily one of the better bets for moviegoers... Carole Lombard cast with Cary Grant and Kay Francis in 'triangle' situation of absorbing interest." *–B., N. Y. Journal & American*

"From first to last it is realistic, beautifully executed and fascinating . . . A refreshing summer film, light in tone and absorbing in its character studies."
–Sidney B. Whipple, N. Y. World-Tel.

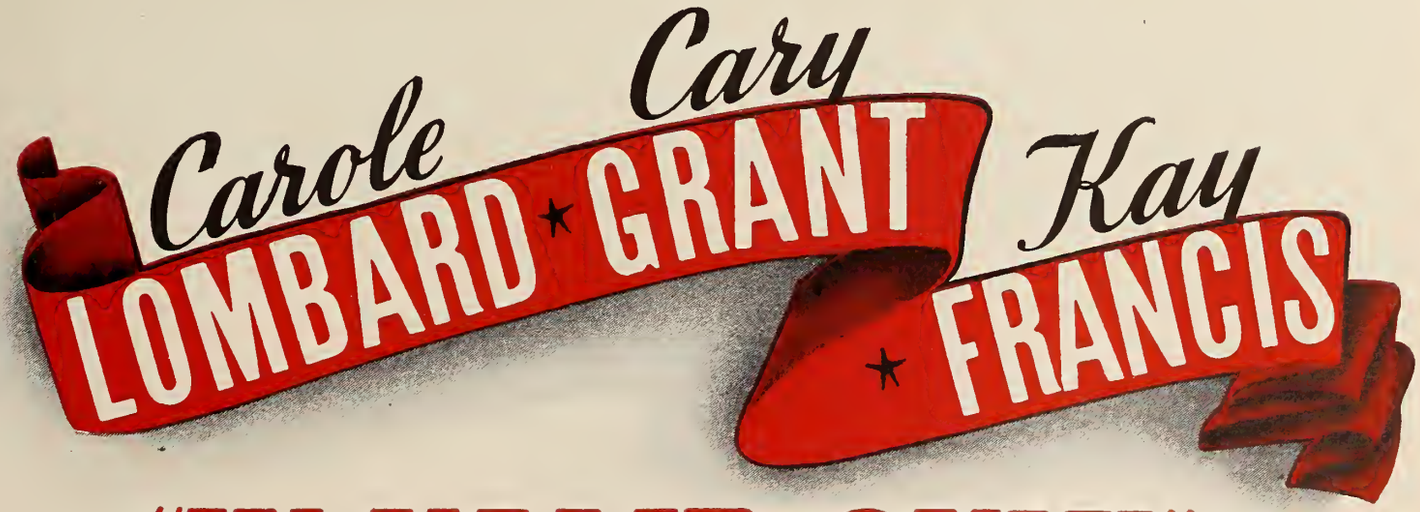
"Romantic drama with glittering cast . . . convincing and interesting . . . should prove a profitable tear-jerker." *–Eileen Creelman, N. Y. Sun*

"Good... glorifies the other woman . . . yesterday's crowded houses seemed enormously pleased."
–Archer Winsten, N. Y. Post

That's the kind we mean whe

S BIGGEST OPENING DAY
RKO RADIO PICTURE!

ANOTHER SUMMER SENSATION FROM THE COMPANY THAT JUST RELEASED "BACHELOR MOTHER!". . . FIRST DAY OF "IN NAME ONLY" TOPPING THE BIG ONES RIGHT AT THE PEAK OF THE SUMMER'S HOTTEST WEATHER! . . . NO WONDER DOZENS OF OTHER PRE-RELEASE KEY RUNS ARE ALL SET FOR THE NEW HIT SHOW TO COME THEIR WAY!



"IN NAME ONLY"

CHARLES COBURN • HELEN VINSON KATHARINE ALEXANDER
JONATHAN HALE MAURICE MOSCOVICH

PANDRO S. BERMAN in charge of Production • Directed by John Cromwell
Produced by George Haight • Screen Play by Richard Shermon

ve say BIG ONES from RKO RADIO!

9 New Plays To Broadway In September

(Continued from page 1)

is expected to be settled before the new season gets under way after Labor Day.

Musicals set for September include George White's "Scandals"; Shakespeare's "A Midsummer Night's Dream," with music by Benny Goodman and the locale altered to New Orleans in the 19th century, to be produced by Erik Charell and Jean Rodney; "Buggy Ride," based on a book by Don Herold, to be produced by Lew Gensler and to star Joe Cook; and a new edition of "Houseboat on the Styx," with new music for the show which had a three-months run 11 years ago, to be produced by Ned Jakobs.

Revive Old Favorites

Leonard Sillman plans to revive old favorites for two-week runs with a permant acting company supplemented by guest stars. Other dramatic pieces include a dramatization of Adolph Hitler's "Mein Kampf," by Earle W. Waldron, to be produced by Waldron and S. M. Chartock; "These Are the Times," a story of the American Revolutionary War by Charles O'Neil, to be produced by Actors Repertory Co.; "The Astonished Ostrich," a farce by Archie Menzies, to be produced by Ted Hammerstein and Martin S. Meyers; and "Skylark," a domestic comedy by Samuel Raphaelson, to be produced by John Golden and to star Gertrude Lawrence.

Plans beyond September are necessarily uncertain but several shows are already scheduled for October. These include a comedy by George S. Kaufman and Moss Hart about a touring lecturer, to be produced by Sam H. Harris: "Ladies and Gentlemen," a court room comedy by Ben Hecht and Charles MacArthur, to be produced by Gilbert Miller: "Too Many Girls," a college musical with book by George Marion, Jr., and songs by Rodgers & Hart, to be produced by George Abbott; and "John Henry," dramatized by Roark Bradford from his book of the same name. Music has been added by Jacques Wolfe. Paul Robeson may play the lead, and it will be produced by Sam Byrd.

Kaufman Plays Considered

Harris is considering three other Kaufman items. Miller will choose a selection from about 10 properties upon which he has options but will make a final decision after viewing the London product.

Theatre Guild will produce its usual six shows, but none is set yet. Playwrights Co. expects to produce "Key Largo," by Maxwell Anderson; "Summer Night," by Sidney Howard; a musical by Anderson and Kurt Weill and a new play by Elmer Rice.

The George Abbott office has three more plays but has not decided on titles for them. They include comedy by Gladys Hurlbut, a serious drama by Ayn Rand and another on the serious side. The Shuberts plan a new edition of "Hellzapoppin'," a musical for Beatrice Lillie, and possibly one for Mae West. Katherine Cornell may revive Shakespeare's "Measure for Measure" for herself and with Maurice Evans in the male lead. The Group Theatre plans four plays, including an intimate revue and an original by Clifford Odets.

Brock Pemberton is considering a play dramatized by Colin Clements and Florence Ryerson from their novel, "This Awful Age." Gensler has four more besides "Buggy Ride." They are play by Ernest Hemingway on the Spanish revolution; "Saturday Night," by Vicki Baum and Benjamin F. Gensler; a play by John Bayly based on an unpublished biography of Woodrow Wilson by Morris Zatz; and a musical by William F. Stucky, music by Perry Lafferty and lyrics by Burt Shevelove.

'My Dear Children' Due

Richard Aldrich and Richard Myers will bring "My Dear Children," by Catherine Turney and Jerry Horwin, in which John Barrymore has been touring since March, into town sometime in December. Doris O'Dudley is slated to play the female lead in the place of Elaine Barrie. In addition they have scheduled "Foreigners," a satire on governments by Frederick Lonsdale; another by Lonsdale, possibly for Joan Crawford; and "Rats of Norway," by Keith Winter, which saw production in London six years ago.

Golden is considering a revival of Frank Craven's "The First Year;" a Chinese fantasy by Port Wheeler and Golden; and a dramatization by Francis Hackett of his forthcoming book, "Queen Anne Boleyn." Gilbert & Sullivan operettas will be revived by the Gilbert & Sullivan Organization Society, a repertory company.

Laurence Schwab and Courtney Burr are preparing a musical version of the hit "Sailor, Beware" with music and lyrics by Ralph Rainger and Leo Robin. Eddie Dowling is considering a fantasy, "Peter Penny under the Dream Tree."

Hollywood In Brief

HOLLYWOOD, Aug. 7.—The M-G-M publicity buildup for Leo, Jr., flowered in a studio party for the press on Friday and "man bites dog" isn't news any more. Leo, Jr., bit publicity man BILL BLOWITZ on both hands.

MYKE LEWIS, who joins Harry Sherman Productions as director of sales, spent 25 years as a Paramount sales executive here and in New York prior to taking a leave of absence a few months back because of ill health. Well again, he leaves shortly on a tour of Paramount exchanges in behalf of Sherman sales.

GUS EDWARDS' 60th birthday is to be celebrated Aug. 18 at the Ambassador Hotel, L. A., and EDDIE CANTOR, whose 25th year in show business was celebrated at the same hostelry a year ago in just about the biggest affair of its kind ever held hereabouts, is chairman of the committee in charge of arrangements.

World preview of "Nurse Edith Cavell" has been postponed to Aug. 17 and ZaSu Pitts, 21 years in pictures, will break a rule of that long standing to attend.

MAY ROBSON and C. AUBREY SMITH, who are just about the best liked performers in Hollywood, are to be co-starred by HERBERT WILCOX in "Granny Has Her Fling," a story he and MICHAEL HOGAN are basing on his idea that two such grand troupers ought to be paired in a picture.

RKO has decided "Sued for Libel" is a better title than "Headline Holiday."

ERLE C. KENTON, who directed "Everything's On Ice" for SOL LESSER, will direct "Escape to Paradise," BOB BREEN'S next songfilm.

Story Dept.—BEN JUDELL'S Producers Pictures Corp. has signed SHERMAN LOWE to write the screenplay of "Mystery Express" . . . Warners have purchased "You Have to Learn Sometime," by RICHARD WORMSER, and "The Mutineer," a pirate story by VAUGHAN ELSTON.

Players—PRISCILLA LANE goes into "The Patent Leather Kid" opposite GEORGE RAFT for Warners . . . BOBBY CLARK, 13-year-old cowboy champion, has arrived in town to prepare for the first of his series for Producers Pictures, scheduled to start in September . . . HANLEY STAFFORD, BABY SNOOKS' nettled male parent, has contracted to enact a British soldier seriously in Paramount's "The Light that Failed" . . . DENNIS MOORE moves up from bits to principals in Monogram's "Murder in the Big House."

Warners will make "Underground" as a successor to "Confessions of a Nazi Spy." It's a story of the undercover anti-Nazi movement in the Reich. John Garfield and Geraldine Fitzgerald will be featured. Anatole Litvak will direct. . . . James Cagney and George Raft will be teamed in "Invisible Stripes," carrying on the "Each Dawn I Die" combination.

Frank Morgan has been added to the cast of "Balalaika" at M-G-M. . . . The studio has acquired "Moving Day," unpublished story by Eric L. Ergenbright.

Weather Report—Temperature got up to 85 for a few minutes the other day, and that night it sprinkled. Town's gettin' common.

Fear Nothing, Schine Reply To Trust Suit

(Continued from page 1)

asked in the suit filed under the Sherman act.

The U. S. Department of Justice alleges that the Schine chain of 190 theatres and its affiliates, together with eleven of the leading motion picture producing companies, are acting in restraint of trade.

Among charges by the government is the allegation that the defendants kept theatres closed in certain small towns and threatened to open them if competition appeared.

The 21 defendants are divided into two groups, known as the "Schine defendants," and the "distributor defendants." The latter include the motion picture companies who maintain film exchanges in the various communities.

The suit was filed at Buffalo by R. Norman Kirchgraber, assistant federal attorney. Accompanying it was an application to Federal Judge John Knight for an order to serve the Schine chain theatres of Ohio, Inc., with headquarters in Cleveland.

The complaint was signed by Attorney General Frank Murphy, Thurman Arnold, assistant attorney general in charge of anti-trust investigations, U. S. Attorney George L. Grobe and others.

The Schine circuit operates theatres in 37 communities in New York state alone. It also operates in Ohio, Kentucky, Maryland and Delaware.

Code Retroactive to June 1, Report

(Continued from page 1)

sales negotiations rather than to the signed contract.

"Thus," the bulletin points out, "any waivers or 'understandings' secured from the exhibitor by chiseling film salesmen" will not be binding after the code is in effect.

The bulletin laments the failure of the code's drafters to make some provision for settlement of trade disputes by conciliation rather than arbitration, which, it contends, forces the exhibitor to "bring a lawsuit" in order to have a grievance determined.

It also infers that arbitration was chosen over conciliation only to appease Allied States, "a minority faction of exhibitors who have since repudiated the whole project."

The bulletin speaks optimistically of the recent industry conferences with officials of the Department of Commerce, expressing the hope that they will result in Federal assistance in achieving industry self-regulation.

Hulbert Kills Folly Suit Against U. A.

Federal Judge Murray Hulbert yesterday dismissed the $750,000 treble damage anti-trust suit of Folly Amusement Holding Corp. against United Artists Corp. with leave to the plaintiff to amend its complaint within twenty days by the inclusion of specific alleged acts of conspiracy on the part of United Artists.

Decision does not affect the status of the suit as against the remaining defendants which include the seven other majors, Monogram Distributing Corp., Republic Pictures Corp. and Randforce Amusement Corp.

At the same time, Judge Hulbert ordered Folly Amusement to file a bill of particulars to its complaint which charges defendants with conspiracy to force the plaintiff to close its Folly Theatre in Brooklyn through alleged inability to obtain product. An application of Loew's Inc. to strike out allegations of the complaint as immaterial and irrelevant was denied by the court.

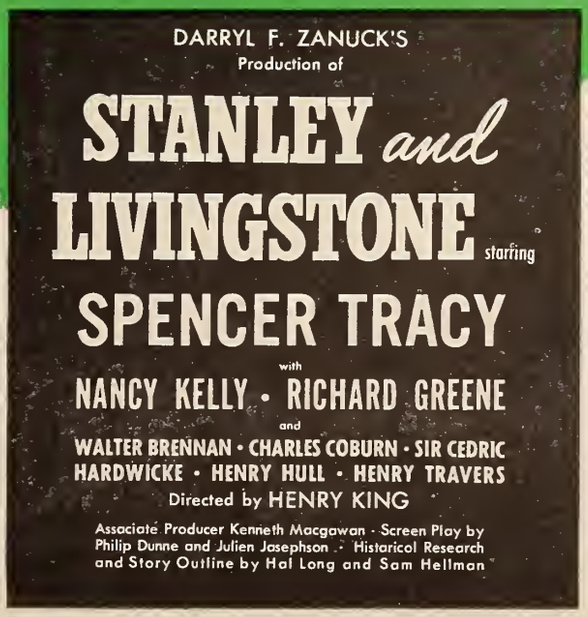
Orders New Trial Of Plagiarism Case

U. S. Circuit Court of Appeals yesterday reversed a dismissal of the $1,000,000 plagiarism suit of Dolores Lacy Collins as administratrix of the estate of Jimmy Collins against M-G-M and ordered a new hearing on the defendant's application.

The suit seeks damages for alleged plagiarism of the Collins book, "Test Pilot," in the film of the same title.

"STANLEY AND LIVINGSTONE" OPENING WEEK-END TOPS EVERY 20th HIT BUT TWO* IN ENTIRE ROXY HISTORY and plays to bigger crowds than any other theatre in New York City!

* *The exceptions: the phenomenal records of "Alexander's Ragtime Band" and "Jesse James"*



20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Studios Busy With 33 Films Now Shooting

HOLLYWOOD, Aug. 7.—Thirty-three pictures were shooting this week in Hollywood studios, as eight started and 10 finished. Twenty-seven are being prepared, and 86 are being edited.

Started were: "Sundown in Hclldorado," Columbia; "Remember," "Northwest Passage," M-G-M; "Typhoon," Paramount; "Vigil in the Night," RKO; "Calling All Marines," Republic; "Call a Messenger," Universal; "Philo Vance Returns," Warners.

In addition to these, shooting were: "Prison Surgeon," Columbia; "Ninotchka," "Another Thin Man," "Balalaika," M-G-M; "Dr. Cyclops," "The Light That Failed," "Untamed," "Diamonds are Dangerous," "Federal Offense," "Remember the Night," Paramount; "The Hunchback of Notre Dame," "Allegheny Frontier," "Three Sons," RKO; "Here I Am, a Stranger," "Drums Along the Mohawk," 20th Century-Fox; "First Love," "Legion of Lost Flyers," "Rio," "Chip of the Flying U," Universal; "Eternally Yours," Wanger; "On Your Toes," "20,000 Years in Sing Sing," "The Roaring Twenties," "We Are Not Alone," "Lady Dick," Warner.

Fnished were: "Conga," Columbia, "The Real Glory," Goldwyn; "Henry Goes to Arizona," M-G-M; "Sky Patrol," Monogram; "Our Neighbors, the Carters," "Medicine Show," Paramount; "Wall Street Cowboy," Republic; "City in Darkness," 20th Century-Fox; "Missing Evidence," "One Hour to Kill," Universal.

M-G-M started one short subject. Columbia, RKO and Warners each finished one. M-G-M is preparing one. Twelve are being edited.

Van Buren Greets 'Leading Citizen'

VAN BUREN, Ark., Aug. 7.—Bob Burns came home to Van Buren tonight as the star of a CBS coast-to-coast broadcast preceding the premiere of the comedian's Paramount film, "Our Leading Citizen."

The program, from the stage of the Bob Burns Theatre here, was witnessed by 42 newspapermen from neighboring states and leading southern citizens. Gov. Carl E. Bailey of Arkansas made the opening address and read telegrams from other governors.

Also on the program were Mayor Tom English of Van Buren, Susan Hayward, Joseph Allen and Mrs. Frances W. Shaver, once Burns' high school teacher. A musical program was offered by local talent as part of the half-hour broadcast, from 8 to 8:30 P.M., C.S.T. Bill Slater was the announcer.

The film was shown in six theatres simultaneously in Van Buren and its twin town, Fort Smith. Tickets were sold for five houses, the Bob Burns having been reserved for the press and distinguished guests. The stars made personal appearances at all six houses before the film started.

Theatre, Personnel Notes

Griffith Shifts Personnel

OKLAHOMA CITY, Aug. 7.—Griffith Amusement Co. has made the following changes in personnel.

E. R. Slocum, operator of the El Caro in El Reno, Okla., has taken charge of all Griffith theatres in that city. He has become a Griffith partner in El Reno. Kenneth Blacklidge, who has been managing the El Reno theatres, has been transferred to Okmulgee, Okla., where he is city manager for Griffith in charge of the Yale and Orpheum.

Turner Morrisett, city manager in Claremore, Okla., in charge of the Yalc and Palace, has resigned and been replaced by Calvin Council, who formerly managed Wellington, Tex., theatres. W. L. Turk at Sunray, Tex., has been appointed manager of Wellington theatres. Charles Oliver, assistant manager at Pampa, Tex., for Griffith has been promoted to city manager of the Sunray, Tex., houses.

Recovers After Operation

DES MOINES, Ia., Aug. 7.—J. J. Spandau, manager of the Universal Film exchange here, has returned to his office fully recovered after a recent operation in an Omaha hospital.

Buys Connecticut House

DEEP RIVER, CONN., Aug. 7.—The Essex Square Theatre, Inc., has acquired the 499-seat Pratt's Theatre, formerly operated by Louis E. Pratt, and has closed the house for complete renovation. It will reopen about Oct. 1. Louis Pratt will be retained as manager.

Closed 10 Years, Reopens

BENTON, ARK., Aug. 7.—Wallace Kauffman, who has operated the Imp here for 18 years has reopened the Bauxite. The theatre, closed 10 years, has been renovated.

Sells Monona Business

MONONA, Ia., Aug. 7.—A. S. Filien, owner of the Plaza theatre here is reported to have sold the business to Elmer Wesa of Hibbing, Minn., effective Aug. 15. Filien will move to Barron, Wis., where he will teach in a high school.

To Reopen in Cleveland

CLEVELAND, Aug. 7.—The Penn Square Theatre, closed all summer, will resume a foreign picture policy when it reopens on Aug. 15.

Closed for Remodeling

WHAT CHEER, Ia., Aug. 7.—The What Cheer theatre has been closed for a few days for a complete remodeling. New sloping floors are to be laid, two exits leading to the front added, ceiling lowered in the lobby, and the interior redecorated.

"Take a Chance" Night

WINFIELD, Ia., Aug. 7.—E. S. Thompson has named Tuesday and Wednesday evenings at his Winfield theatre as "Take a Chance" night. Admission is to be ten cents and any one buying a ticket that finds he has seen the picture before, can get his money back at the box-office.

British 16mm. Film Laws Go Unrevised

LONDON, Aug. 7.—The situation regarding the application of the existing film laws to non-theatrical films, remains virtually unchanged following the publication today of a report of the Home Office advisory committee, which had been appointed to investigate the situation.

Safety and censorship were exhaustively studied but no changes or new legislation were recommended. The committee considers the risk of fire and panic as negligible. It is expected that exhibitors will be dissatisfied with the report, in view of the refusal to tighten the regulations for competitive film exhibitions.

Television License Requested by WOR

WOR yesterday applied to the F.C.C. for permission to construct a television station in New York City. The station is to be located atop a skyscraper and will operate in the 84 to 90 megacycle band with a 1,000-watt transmitter. If granted, WOR will have the third television station in the city. The policy, according to Alfred J. McCosker, president, will emphasize educational telecasts and spot news coverage. Films will be used if available.

Washington Club To Honor Lichtman

WASHINGTON, Aug. 7.—The local Variety Club will hold a testimonial dinner for Abe Lichtman, local exhibitor, at the Willard Hotel Aug. 11 in a dual celebration of his 50th birthday and the completion of 19 years as a theatre owner.

The affair will be under the general direction of A. Julian Brylawski, treasurer, with Rudolph Berger as chairman of the general committee, Carton Barron heading the entertainment committee and Sam Galanty handling the program committee. Alvin I. Newmyer will be toastmaster.

Other members of the general committee in charge of arrangements are Harry Brown, Clark Davis, Archie Engel, Eddie Fontaine, Ed Haley, Sidney Lust, Hardie Meakin, Joe Morgan, John Payette, Fred Rohrs, Lou Rome, Charles Schulman, Morris Simon and Sam Wheeler.

Negotiate Seattle Union Agreement

SEATTLE, Aug. 7.—One thousand members of six Seattle Theatrical Federation unions are asking slight wage increases and two weeks' vacation with pay in the new contract to become effective on Sept. 1. The contract would be effective for one year from the above date.

Unions included in the negotiations are stage employes, musicians, projectionists, theatre employes, bill posters and building service workers.

K. C. Auditorium Bill

KANSAS CITY, August 7.—An ordinance has been introduced here to create a six-man board of governors to run the affairs of the Municipal Auditorium. Members of the board, on which the film industry seeks to have a representative, would serve without pay.

British Industry Honors Quigley At London Party

LONDON, Aug. 7.—Many leading executives and prominent members of the film trade, assembled at the Dorchester Hotel here last Monday to honor Martin Quigley, head of Quigley Publications, on his visit to London. Every branch of the industry was represented, and the general consensus of opinion was that the cocktail party was the most representative and most pleasant given in the trade for some years.

Among those present were:

Sam Eckman, Jr., and Ben Goetz, chief of M-G-M, and chief of M-G-M British production, respectively; Robert Kane, executive producer for 20th Century Productions; George Archibald, joint managing director of United Artists; Arthur Dent of Associated British; W. J. Gell, chief of Pathe Pictures; Sam Sax, executive producer of Warner Bros. First National; Irving Asher; Neville E. Neville; Sam Smith of British Lion, and C. G. Dickinson, sales manager of Paramount.

The exhibitor contingent included W. R. Fuller, general secretary of the C.E.A.; H. E. Mears, vice-president of the C.E.A., Arthur Taylor, secretary of the London Branch, and Theodore Fligelstone, prominent London exhibitor

Labor's ambassador was there in the presence of George Elvin, secretary of the A.C.T.

The documentary field was represented by Paul Rotha, Jack Holmes and others.

Percy Phillipson of Automaticket; Oliver Bell, director of the British Film Institute, and Eric Strelitz represented the Dominions.

Cleveland Theatres Talk Union Contract

CLEVELAND, Aug. 7.—John D. Kalafat has resigned as chairman of the labor committee of The Cleveland Motion Picture Exhibitors Association, a position he has held uninterruptedly for the past 25 years. He is succeeded by G. W. Erdmann, secretary of the association.

The committee is negotiating with Local 160, I.A.T.S.E., on a new scale agreement to go into effect Aug. 31 upon the expiration of the present two-year agreement. These negotiations affect only independent theatres in the Greater Cleveland area.

Equity Acts Today Upon Ticket Code

Council of Actors Equity will meet today to consider the tentative report of the Ticket Code Committee which recommends resumption of negotiations with League of New York Theatres for a code for the new season. Details on changes recommended by the committee have not been made public but it is known that they will include alteration of method of distribution of tickets to brokers, a new procedure for hearing grievances and changes in the composition of the grievance board. If the tentative report is approved, the committee will meet again Aug. 17 to make final recommendations.

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 27 NEW YORK, WEDNESDAY, AUGUST 9, 1939 TEN CENTS

Huge Tribute To Blumberg By Exhibitors

700 Theatre Men Boost Testimonial Drive

A spontaneous exhibitor tribute to Nate J. Blumberg, Universal president, is under way in the form of an organized drive by theatre owners to supply contracts and play dates for the company's new season product, it was disclosed yesterday.

Spyros Skouras, head of National Theatres, is chairman of the testimonial drive, which is believed to be the first of its kind initiated by exhibitors for a major company chief executive in industry history.

Mort Singer is chairman of the western activities and N. L. Nathanson of those in Canada. With approximately 700 exhibitors already participating, the move is spreading now to foreign teritories. It is intended as a recognition of Blumberg's work in developing Universal as a company "of exhibitors for exhibitors."

Blumberg was formerly head of RKO Theatres and after entering Universal chose a number of former theatre executives for key administrative posts at both the studio and home office, notably Cliff Work as studio head and Matthew J. Fox as a vice-president and executive assistant.

Fox, who is now in New York from

(*Continued on page* 11)

'Raffles' Third Film Upon Goldwyn List

HOLLYWOOD, Aug. 8.—Samuel Goldwyn will produce a third picture for United Artists release next season. The film will be "Raffles," with David Niven starred, and Olivia de Havilland in the leading feminine role. John Balderston did the adaptation, and Sam Wood will direct. The film goes into production within two weeks.

Sol Lesser has signed a contract with Selznick International Studios, whereby he will shoot all his United Artists releases at the Culver City Selznick plant.

In association with Ernst Lubitsch, he will put "Our Town" before the cameras late this year. Hal Roach will start production on John Steinbeck's "Of Mice and Men," next Monday, with Lewis Milestone directing. Burgess Meredith and Lon Chaney, Jr., who have the leading roles, have been signed to long term contracts by Roach.

Summary of Union Warfare

1. **Studio crafts will be asked by A. F. of L. to strike, if necessary, to crush CIO in Hollywood.**
2. **Producers and I.A.T.S.E. reach tentative agreement on five-year contract; U.S.T.G. condemns move.**
3. **Probability looms that every major theatre and studio in country may be closed as result of AFA-AAAA controversy.**
4. **Harry Richman, AFA vice-president, temporarily suspended by Actors Equity.**
5. **Delegation of actors due today from Coast to attend A. F. of L. council meeting tomorrow at Atlantic City.**
6. **AFA losses court plea for injunction against 4-A; early trial of issues ordered.**
7. **Ralph Morgan, SAG president says: "We may strike in Hollywood if our trip to Atlantic City isn't successful."**
8. **George E. Browne, I.A.T.S.E. president, replies: "If SAG strikes, we'll pull out every projectionist in country."**

IA, Producers In Tentative Studio Pact

HOLLYWOOD, Aug. 8.—A tentative agreement on a five-year contract covering crafts held by the I.A.T.S.E. when it participated in the studio labor basic agreement was reached today between producers and Alliance officials.

In a joint statement, John Gatelee, International representative of I.A.T.S.E., and Joseph M. Schenck, chairman of the producers' negotiating committee, declared the pact covering terms of agreement is being drafted now and that negotiations would start immediately on hours, wage scales and working conditions.

Schenck reiterated his statement made in behalf of producers Monday night that negotiations with I.A.T.S.E. representatives do not involve the status of other contracts with studio employee organizations.

His statement last night was as follows:

"Pending negotiations with representatives of I.A.T.S.E., growing out of demands for closed shop, do not in any manner threaten existing contracts between producers and studio employee organizations.

"Producers will observe in strict accordance with their terms all contracts now in existence, including those with the Screen Actors Guild, the Screen Directors Guild, American Society of Cinematographers and other agreements of similar nature.

"Nothing will arise in the present negotiations or in any negotiations in the future which shall cause producers to invalidate or impair contrac-

(*Continued on page* 2)

Strike Hinted To Crush CIO In Hollywood

LOS ANGELES, Aug. 8.—Internationals having locals among the production crafts in Hollywood will be asked by the Los Angeles Central Labor Council to strike, if necessary, to defeat the invasion of their jurisdiction by the CIO.

The Council proposes complete stoppage of work if necessary by A. F. of L. crafts in the studios and possibly throughout the industry's other branches to prevent further encroachment by the CIO-financed United Technicians Guild, and to force producers to sign closed shop agreements with them.

In the most significant move in the recent history of labor developments in Hollywood, the Labor Council in an emergency session last night drafted a long resolution declaring U.S.T.G. is invading the boundaries of all A. F. of L. crafts and asked representatives of affected Internationals who are meeting this week in Atlantic City to prepare for a strike call and set up funds and facilities for an emergency.

J. W. Buzzell, executive secretary of the Council, flew from here to Atlantic City, bearing copies of a resolution for presentation to leaders of teamsters, electrical workers, musicians and carpenters Internationals, all of which are in the basic studio labor agreement; I.A.T.S.E. and such organizations as plasterers, plumbers, machinists and stationary engineers which do not hold bargaining agreements with studios.

Also condemned in another resolu-

(*Continued on page* 2)

Strike Peril In Industry More Acute

Bitterness Grows as AFL Meeting Nears

With the intertwining entertainment union controversy becoming more and more tangled and knotted with new sensational developments, eyes of the entire motion picture industry and its related fields today shifted to Atlantic City where tomorrow the American Federation of Labor Council will formally hear the charges and counter charges.

The Atlantic City hearing will be closed to the press and to the public and only the official delegations, including the one which is due here by plane and train from Hollywood today, will be received into the hearing room, it was announced.

William Green, A. F. of L president, appeared jittery over the entire situation, and admitted the muddled nature of the raging controversies which began when the A.F.A. was deprived of its charter by the A.A.A.A. about a month ago.

Green said he was uncertain about the jurisdictional angle, adding:

"It has been alleged that no jurisdiction was defined for the 4A when it was chartered way back about 1902. We have been searching, but haven't found it. I don't know yet what the jurisdiction is. If we can't find what this jurisdiction is, the

(*Continued on page* 11)

RKO Credit Claims Hearing on Friday

Federal Judge Bondy yesterday set Friday for hearing of a petition of Irving Trust Co. as RKO trustee for court approval of settlement agreements reached with six RKO reorganization creditors on claims aggregating more than $2,240,000.

Claims involved are those of Publix-Indiana Corp. for $1,602,900 and of Orpheum Theatre Co. for $124,083, which are to be expunged; claim of Criterion Advertising Co. for $404,686, which is to be reduced to $314,333; claim of Alfred E. Siegal for $24,061, which is to be reduced to $11,629; claim of Chemical Bank & Trust Co. for services as trustee under a collateral note indenture, to be allowed as a preferred claim at $4,568, and claim of the U. S. Bank of Denver to be allowed as a general claim at $81,165.

AFL Employs Strike Threat To Crush CIO

(*Continued from page* 1)

tion was the action of the N.L.R.B. in stepping into the jurisdictional fight created by U.S.T.G. with I.A.T.S.E. A. H. Peterson, Southern California representative of the A. F. of L., said that the Labor Board is "extremely unfair in dealing with A. F. of L. organizations and favors CIO groups." Peterson added:

"Motion picture locals of A. F. of L. now have on file a number of petitions asking for certification as bargaining agencies for their crafts, but nothing has happened on them.

"When a group admittedly CIO-financed files a petition, immediate action is taken. One A. F. of L. local in another field has had a petition on file four years and no action has ever been taken on it. That the Board should suddenly become interested in a motion picture case affecting CIO shows definite prejudice against the A. F. of L."

Warners Will Shift Philadelphia Policy

PHILADELPHIA, Aug. 8.—Effective Aug. 25, Warners again will shift policies in most of their local theatres. Stage shows will return to the Earle from the Fox, leaving the latter on a straight film policy.

The Capitol, for years a grind house with a daily change, will become a first run, using the product which formerly went to the Earle. Keith's will reopen as a third run, with frequent changes. The Stanton, Karlton and Palace will continue their second run policies. When the Aldine reopens, it will be a V.A. house as before.

Delay Ticket Code Action

Consideration of ticket code proposals for the new season was postponed until Aug. 22 by the Actors Equity council yesterday because consideration of the I. A. T. S. E. problem prevented discussion of the code. Charges against Paul Haakon were dropped when American Guild of Musical Artists offered to withdraw them. Haakon has joined A. G. M. A.

3 Flights Daily
NEW YORK
TO
LOS ANGELES
It's Cool All the Way!
THE PLAINSMAN
Lv. 7:10 A. M Ar. 12:29 A. M.
THE MERCURY
Lv. 5:10 P. M. Ar. 7:43 A. M.
THE SOUTHERNER
Lv. 10:10 P. M. Ar. 1:55 P. M.
Ask your travel agent or phone HAvemeyer 6-5000. Ticket offices: 45 Vanderbilt Ave. and Rockefeller Center at 18 W. 49th St.
AMERICAN AIRLINES Inc.

Purely Personal

WALT DISNEY next Monday will have a "Donald Duck day" at the World's Fair, with thousands of children expected. ANTOINETTE SPITZER of RKO publicity is handling arrangements.

•

Back at their desks at the Altec home office are L. W. CONROW, president, and BERT SANFORD, JR., district manager, from Gloversville; G. L. CARRINGTON, vice-president and general manager, from Oklahoma and Texas, and STANLEY HAND, staff representative, from an extended trip through the South. A. J. RADEMACHER, branch manager, is on vacation.

•

BILLIE BURKE has left Hollywood for a brief vacation at Colorado Springs, following the completion of her role in "Eternally Yours," produced by WALTER WANGER (U.A.). She plans to go to London later.

•

FRED WAGNER, booker for 20th Century-Fox in Chicago, is in the Hines Memorial Hospital for observation, following a lengthy illness. JACK ECKHARDT returned from vacation to handle WAGNER's work.

•

HARRY LEIDS of Loew's construction department, New Haven, is making a survey of the Loew-Poli houses in Connecticut and Massachusetts.

•

ARTHUR EDDY of the Warner Coast studio publicity department leaves this morning by automobile for the Coast after a short stay in the East.

•

ABE FISHMAN and MRS. PHILIP SASLAU, both of the Fishman circuit in New Haven, have returned to their homes after hospital treatment.

•

MIRIAM HOPKINS, co-starred with BETTE DAVIS in "The Old Maid," will attend the opening of the film at the Strand on Friday.

•

MR. and MRS. S. MIXSON of Gainesville, Fla., and GENE PEFFLEY of Richmond, Ind., among the visitors in town.

•

MORRIS JACOBSON of the Strand Amusement Co., Bridgeport, Conn., is on a vacation in Monticello, N. Y.

•

CARMEN MASCOLI of the Alhambra Theatre, Waterbury, Conn., is on a fishing trip in Old Orchard, Me.

•

SIDNEY J. MEYER of the Wometco Circuit, Miami, is visiting in New York.

MAX GORDON, producer, leaves for the Coast today by plane after a short stay in New York. Before arriving in Hollywood, he will go to Eugene, Ore., where "Abe Lincoln in Illinois," film in which he is interested, is on location.

•

FRANK DRUM, office manager at the RKO New York exchange, returns Monday from a two-week vacation in Maine. JACK FINKLESTEIN, RKO booker, is also vacationing.

•

IRA MICHAELS, Manhattan booker for Columbia, leaves for a two-week vacation in the south Aug. 21. JACK SAFER of that department leaves Monday for a week.

•

LOUIS SOLKOFF of Principal and Alliance will celebrate his second wedding anniversary Aug. 15, the day on which his parents will have been married 40 years.

•

FRANCES GOLDBERG, secretary to E. A. HELOUIS, Columbia exchange office manager, leaves for Canada Aug. 25 on a belated honeymoon.

'Dr. I. Q.' Hearings To Begin Tomorrow

CHICAGO, Aug. 8.—Hearings will start Thursday before a Master in Chancery on the legality of the "Dr. I. Q." broadcast held every Monday at the Chicago Theatre, under a ruling yesterday of Judge Finnegan. The city's Corporation Counsel brought the case before the court.

City officials claim the performance is a game of chance. The contract with the operators calls for only three more performances at the Chicago. The Better Business Bureau, investigating at the request of several independent exhibitors, gave the promotion a clean bill of health.

Paramount Seeks Dismissal of Action

Paramount Pictures, Inc., asked Federal Judge Conger yesterday to dismiss the minority stockholders' suit of Samuel Acker and Frank Jablow brought against it, its officers and directors, American Telephone and Telegraph Co., Western Electric Co. and Erpi, on the ground that both plaintiffs had acquired their stock subsequent to alleged acts of mismanagement and waste charged against the officers of Paramount. Judge Conger reserved decision.

Paramount Sued Over Dramatic Work

Suit for $100,000 damages and an injunction was filed yesterday in the N. Y. Supreme Court against Paramount Pictures, Inc., by Opera Under the Stars, Inc. Plaintiff contends that it owns exclusive rights to a dramatic musical work called "Un Homme en Habit" ("A Man in Dress Clothes") and that Paramount has either produced or is planning to produce a film adapted from the work.

Republic-Griffith Deal

Republic has closed a new season product deal with Griffith Amusement Co. covering 42 towns in Oklahoma and 35 in Texas, it was disclosed by James R. Grainger, president, yesterday. William Underwood and Sol Davis, Texas and Oklahoma franchise holders, respectively, and Clair Hilgers, southern district manager, represented Republic, and Horace Falls represented the circuit.

Cowdin to Visit Studio

J. Cheever Cowdin, Universal board chairman, will leave at the end of the week for a brief visit at the Coast studio. Nate J. Blumberg, president, who has made the studio his Summer headquarters, will return to the home office in about two weeks, at which time Matthew J. Fox, vice-president, who is now in New York, will return to the studio.

IA, Producers In Tentative Studio Pact

(*Continued from page* 1)

tual obligations which they have made.

"Confidence, goodwill and cooperation which are essential to the welfare of this industry and every person connected with it can neither be maintained nor extended except upon the solid foundations of complete good faith. We propose to act in respect to our contracts in such good faith.

"Despite complete complexity of the industry problems and the multitude of unique situations and relationships created by the diversity of talent, skill and experience required to produce motion pictures, we propose to give every effort to working out those problems in such a way as we deem best for permanent progress and peace of industry. We hope by conference and negotiation to improve conditions for the common benefit of all concerned."

At the same time as the Gatelee and Schenck statement was being prepared, representatives of the United Studio Technicians Guild, producers and two I.A.T.S.E. officials were reaching an impasse at a conference called by the N.L.R.B. attorney, William Walsh, who sought to expedite the hearing into the jurisdictional fight between the Alliance and U.S.T.G.

After the conference, Walsh issued the following statement:

"By reason of the failure of all parties on stipulations to expedite the holding of a hearing, it will be necessary to issue notices by the regular course. Accordingly notices of the hearing are being prepared and sent out. The hearing is tentatively set for Aug. 16."

Present were A. H. Peterson, A. F. of L. representative; Howard Robertson and H. I. Besbeck, U.S.T.G. officials; Charles Katz, U.S.T.G. attorney; Harold V. Smith and Lew Blix, I.A.T.S.E. officers; Leo Rosencranz, I.A.T.S.E. attorney, and Homer Mitchell, Herbert Freston and Jack Carr, producers' attorneys.

Upon hearing of the agreement between the Alliance and producers. Robertson, acting chairman of U.S.T.G., characterized the move as an "obvious maneuver on the part of Schenck to

(*Continued on page* 11)

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327 %!

Call out the cops just as they did at the Apollo Theatre, Atlantic City (*Biggest business of the year!*) and Moorland Theatre, Ocean City, N. J. The first engagements of ROBERT TAYLOR, HEDY LAMARR in "LADY OF THE TROPICS" are phenomenal as expected! It's a lovely summer for M-G-M exhibitors isn't it? Next: "WIZARD OF OZ."

Screen play by Ben Hecht, directed by Jack Conway, Produced by Sam Zimbalist

LOS ANGELES

Warner's Downtown & Hollywood

Sensationa
bined we
week as p

CHICAGO

Balaban & Katz Roosevelt

Top opening gross in thirte
week of continuous long r

NEW ORLEANS

Loew's State

Crowds a
until closin

PITTSBURGH

Loew's Penn

Hot weather has no effe
crashes thru to one of sea

CLEVELAND COLUMBUS, DAYTON

Loew's Theatres

All report
climb until



HELD-OVER at
Radio City Music Hall, New York. Also in Philadelp
New Haven, Hartford, Atlantic City, Asbury Park
San Francisco.

ening on Thursday indicates $35,000. com-
ake in both theatres. Held over for second
hits one of biggest openings of current year.

nths. Held over for second smash

et window from early morning
e. Opening day 148% of average.

Edward Small's greatest hit
outstanding opening figures.

-out business as week-end grosses
reach from 150% to 175% of average.



Released thru
UNITED ARTISTS

Boston Gives Neat $21,000 To 'Bachelor'

BOSTON, Aug. 8.—"Bachelor Mother," on a dual bill with "The Saint in London" was the high spot of this week of high summer grosses, taking $21,000 at Keith Memorial.

"Andy Hardy Gets Spring Fever" and "They All Come Out" at Loew's State and Orpheum took $15,000 and $20,000 in that order for a $35,000 total. "Each Dawn I Die" and "Night Work" ran a good third with $16,500 at the Metropolitan.

Estimated takings for the week ending August 2:

"The Lady and the Mob" (Col.) (3 days)
"Trapped in the Sky" (Col.) (3 days)
"Outside These Walls" (Col.) (3 days)
"Should a Girl Marry" (Mono.) (3 days)
"Stunt Pilot" (Mono.) (1 day) (1st run)
"Streets of New York" (Mono.) (2nd run) (1 day)
RKO KEITH BOSTON—(3,200) (20c-30c-40c) Gross, $5,000. (Average, $7,000)
"Bachelor Mother" (RKO)
"The Saint in London" (RKO)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross, $21,000. (Average, $14,000)
"Hell's Kitchen" (W.B.)
"Million Dollar Legs" (Para.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross, $5,000. (Average, $7,000)
"Hell's Kitchen" (W.B.)
"Million Dollar Legs" (Para.)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. Gross, $3,500. (Average, $4,500)
"Each Dawn I Die" (W.B.)
"Night Work" (Para.)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross, $16,500. (Average, $14,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
"They All Come Out" (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross, $20,000. (Average, $14,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
"They All Come Out" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross, $15,000. (Average, $10,000)
"Daughters Courageous" (W.B.) (3rd run)
"Captain Fury" (U.A.) (2nd run)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. Gross, $4,500. (Average, $4,000)

America Far Ahead In Japanese Market

Of the 304 pictures released in Japan during the first six months of 1939, 226 were Japanese films, and 78 were foreign films. The foreign films included 64 American pictures, seven British, four French and three German films, according to figures prepared by the Motion Picture Division of the Department of Commerce.

Although only three German films were released during the first half of 1939, it is reported that 18 of the 30 films contracted for by Japanese interests from the Manchuria Motion Picture Association have recently been imported.

One of the special provisions of the "Manchukuo"-German trade agreement provides, it will be recalled, for the purchase of a specified number of German films by "Manchukuo."

Attendance in Tokyo's 296 motion picture theatres totalled 71,304,484 persons during 1938. Total attendance at all amusement houses amounted to 86,598,727, an increase of 3,107,944 over the previous year. Reports indicate that Tokyo attendances fell off by about 15 per cent in Tokyo during May, as compared with previous months, but receipts continue to be well above those for the corresponding period of last year.

Hollywood Preview

"Lady of the Tropics"

(M-G-M)

HOLLYWOOD, Aug. 8.—Strange things happen in the languid East, that segment of the globe Kipling had in mind when he wrote "East is East and West is West and never the twain shall meet." About all that ordinary folk know about it—their knowledge generally derived from reading romantic fiction—is that there never seems to be any fire extinguishers handy when smouldering passions flame.

"Lady of the Tropics" is a picturization of one of those strange happenings. It may be described as a flaming love story; one in which scant attention is paid to the spirit of the Production Code. The main locale is Saigon in Indo-China.

It's about an exotic half-caste girl and a world-wandering American. Living a life of Parisian glamour and gayety, the girl wants to escape her native land, but, because of her birth, French authority forever denies her a passport. The American meets, falls in love with and marries her. For a time, while his money lasts and later while her wardrobe has second hand sale value, both are deliriously happy. But a jealous halfcaste suitor whom she deceived has influence which prevents issuance of a passport and while he plants the seeds of suspicion of unfaithfulness in the husband's heart and mind he leads the girl to believe that her time for freedom is at hand and she makes the supreme moral sacrifice to assure it. Ecstatic happiness dissolves in tragic disappointment when she discovers she has been double crossed. Invoking elemental law, she kills the man who blasted her dream of happiness and mortally wounds herself. The sad, if not wiser, American sails for home.

The principal names concerned are Robert Taylor, Hedy Lamarr, Joseph Schildkraut and Ernest Cossart, who are supported by newcomer Gloria Franklin, Mary Taylor, Charles Trowbridge, Paul Porcasi, Cecil Cunningham and Natalie Moorhead. Ben Hecht wrote the original screenplay which Sam Zimbalist produced, with Jack Conway serving as director.

The film is picturesquely produced with expertly inserted background shots endowing it with an air of pageantry. Miss Lamar's costumes are certain to make feminine eyes pop and it hardly seems possible that her physical lure will be overlooked or ignored by men.

Running time, 90 minutes. "A."* G. McC.

*"A" denotes adult classification.

Washington Tent Gets Variety Cup

WASHINGTON, Aug. 8.—On behalf of Tent 11 Rudy Berger has accepted a trophy from National Chief Barker John Harris in recognition of the local Variety Club's charity work during the past year. The trophy was voted by the national convention of Variety Clubs which acclaimed the local organization "the most humanitarian tent in America."

Sports Chairman Carter Barron of the Washington Variety Club has scheduled a softball game between members of the local press and Lowell Thomas' "Nine Old Men." Game is slated for Friday, Sept. 8, at Griffith Stadium.

Proceeds of the game will go to charity. Thomas and Barron are at present endeavoring to bring Gene Tunney, Westbrook Pegler, Ted Husing, Lew Lehr, Lanny Ross, Heywood Broun, Graham McNamee and numerous other stars to Washington for the game.

Latin America Series

Edward Tomlinson, NBC commentator on Latin America, will start a new commentary series Sept. 7, with Buenos Aires the base of operations for the first broadcast. Subsequent programs will come from Rio de Janeiro and other principal cities in Latin America.

Film Row Psychology

Kansas City, Aug. 8.—Two exhibitors were exchanging confidences on Film Row.

"So-and-so's dishes are no good. I've given away $4,000 worth and they didn't do me a dime's worth of good," said one.

"Yeah. I've used dresser scarves and everything else. Dishes? Why, some of mine broke just sitting in the theatre."

A third man broke in: "Why don't you quit giving away so much junk?"

They shook their heads. "Can't quit. Got to give something. Everybody else does."

Selecting Orphans To See Ware Debut

Eighteen American cities are selecting their "most deserving orphans" for a trip to Hollywood to witness the debut of Linda Ware, 14-year-old orphan singer.

Linda, a Detroit youngster who came to Hollywood less than a year ago, will appear on the screen for the first time in a leading role opposite Bing Crosby in Paramount's "The Star Maker." The orphans will be her guests at the world press premiere Aug. 22.

'Came Back' Minneapolis Lead, $3,300

MINNEAPOLIS, Aug. 8.—"Five Came Back" at the Gopher led with $3,300 in a slow week.

In St. Paul, best grosser was "On Borrowed Time" at the Paramount with $3,300.

Estimated takings for the week ending Aug. 3:

Minneapolis:

"Missing Daughters" (Col.)
"News Is Made at Night" (20th-Fox)
"Waterfront" (W.B.)
"Trapped in the Sky" (Col.)
ASTER—(900) (15c-25c) 7 days split week. Gross: $2,200. (Average, $1,500)
"Second Fiddle" (20th-Fox)
CENTRY—(1,600) (25c-40c) 7 days. 2nd week. Gross: $3,500. (Average, $4,000)
"Five Came Back" (RKO)
GOPHER—(990) (25c) 7 days. Gross: $3,300. (Average, $2,500)
"Woman Doctor" (Rep.)
MINNESOTA—(4,200) (15c-30c) 7 days. Gross: $7,000
"Winter Carnival" (U.A.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $4,400. (Average, $4,800)
"On Borrowed Time" (M-G-M)
STATE—(2,300) (25c-40c) 6 days. Gross: $4,500. (Average, $4,400)

St. Paul:

"Winter Carnival" (U.A.)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $2,800. (Average, $3,200)
"On Borrowed Time" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $3,300. (Average, $4,000)
"Blondie Takes a Vacation" (Col.)
RIVIERA—(1,000) (25c-40c) 7 days. Gross: $1,800. (Average, $1,800)
"Timber Stampede" (RKO)
"Grand Jury Secrets" (Para.)
TOWER—(1,000) (25c) 7 days. Gross: $1,500. (Average, $1,500)
"The Eagle and the Hawk"
WORLD—(400) (25c-36c) 7 days. Gross: $900. (Average, $700)

'Hardy' Cleveland Hit, Taking $15,000

CLEVELAND, Aug. 8.—"Andy Hardy Gets Spring Fever" topped the town, with $15,000 at Loew's State.

"Bachelor Mother" at Warners' Hippodrome took a strong $14,000. "Second Fiddle" at the Allen did $4,800 in the second week.

Weather was good. Some 100,000 people attending the World Poultry Show helped fill the theatres.

Estimated takings for the week ending Aug. 4:

"Second Fiddle" (20th-Fox)
ALLEN—(3,000) (30c-35c-42c) 7 days. 2nd week. Gross: $4,800. (Average, $4,000)
"Bachelor Mother" (RKO)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $14,000. (Average, $11,000)
"Indianapolis Speedway" (W.B.)
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $7,000. (Average, $8,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $15,000. (Average, $11,000)
"On Borrowed Time" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. 2nd week. Gross: $4,000. (Average, $4,000)

Variety Club Elects

OMAHA, Aug. 8. — Members of Omaha Variety Club have elected Meyer Stern of Capitol Pictures and Leo Doty, UA office chief, as directors, succeeding Roy Palmquist and E. D. Perkins. Palmquist was transferred by Universal to Kansas City and Perkins returned to the Warner exchange in Minneapolis.

Ruling Affects Sound, Silent Film Rights

LOS ANGELES, Aug. 8.—A decision nullifying rights of further payments to authors whose literary works were first purchased for silent screenplays and later remade in sound was handed down yesterday by Federal Judge Henry Hollzer.

Judge Hollzer ruled that Ralph Murphy, Donald Gallaher and M. and G. Amusements, Inc., New York corporation, were not entitled to damages and accounting from Warner Brothers Pictures, Inc., and First National Pictures, Inc., because the defendants remade the silent film, "Sh! The Octopus." Plaintiffs alleged that on April 30, 1928, they entered into contract with First National for sale and purchase of screen rights to "Octopus," their play, and that defendants last year produced a sound version of the silent film.

Their plea for damages was denied by Judge Hollzer, thereby establishing precedent upon which rights to other silent films may be cleared.

In several instances, authors of silent film material or their estates have been paid for use of material for sound versions of pictures. Judge Hollzer held, in effect, that in acquiring motion picture rights companies were entitled to make any use of them they wished for film material.

Forming Oklahoma Variety Club Unit

OKLAHOMA CITY, Aug. 8.—L. C. Griffith, president of the Griffith Amusement Co., was elected president of a petitioning chapter of the Variety Club at an organization meeting here at the Biltmore Hotel.

Other officers named were Morris Loewenstein, first assistant; W. P. Moran, second assistant; W. M. Zoellner, treasurer; B. J. McKenna, secretary, and Ralph Talbot, Tulsa; Max Brock, Lawton; and Otto Rohde, Jack Curry, H. R. Falls and Sol Davis, directors, all of Oklahoma City.

A petition for membership in the national club was sent to Pittsburgh by the 24 state amusement executives who have joined. Permanent club rooms, a membership committee and a charity project will be selected at the next meeting.

Legion Approves 8 Of 10 New Pictures

National Legion of Decency for the current week has approved eight of 10 new pictures reviewed, four for general patronage and four for adults, and classed two as objectionable in part. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Beau Geste," "Blondie Takes a Vacation," "Colorado Sunset," "The Man from Sundown." Class A-2, Unobjectionable for Adults—"Behind Prison Walls," "Hotel for Women," "Miracles for Sale," "The Old Maid." Class B, Objectionable in Part—"In Name Only," "Just Like a Woman."

Broadcasters Seek Ascap Fee Changes

The National Association of Broadcasters is willing to pay for the use of Ascap music, Neville Miller, president, said yesterday, but seeks an adjustment of the fees on the basis of exemptions for programs which do not contain Ascap music.

Miller's statement was made in reply to an inference by Gene Buck, Ascap president, that broadcasters were seeking to avoid payments to authors and composers for their music, despite the fact that radio grossed millions of dollars annually and depended upon music for its existence.

Buck also pointed out in his statement issued Sunday in San Francisco that radio pays "thousands" to some performers for a single program without complaint.

"We have informed Ascap that we are willing to pay when we use Ascap music, but that we are not willing to continue to pay on programs which do not use Ascap music," Miller said. "As their largest customer, we have asked them to set the price, and Ascap has refused to do so."

The N.A.B.'s current contracts with Ascap expire Dec. 31, 1940. The radio organization stated last week that it would endeavor to build up its own reservoir of music to make itself independent of Ascap in the future.

John G. Paine, Ascap general manager, commented yesterday that "since the N.A.B.'s plans are so definite, there seems to be nothing for the society to do but to await the outcome of events."

'Chips' Is Detroit Smash at $22,000

DETROIT, Aug. 8. — The Michigan again led the field, taking $22,000 with "Goodbye, Mr. Chips" and "Indianapolis Speedway." The Fox did $11,000 with "I Stole a Million" and "Career."

Estimated takings for week ending Aug. 4:

"Unexpected Father" (Univ.)
"Big Town Czar" (20th-Fox)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $4,300. (Average, $5,000)
"I Stole a Million" (Univ.)
"Career" (RKO)
FOX—(5,000) (20c-55c) 7 days. Gross: $11,000. (Average, $10,000)
"Goodbye, Mr. Chips" (M-G-M)
"Indianapolis Speedway" (W. B.)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: $22,000. (Average, $10,000)
"Daughters Courageous" (W. B.)
"Mickey the Kid" (Rep.)
PALMS—(3,000) (15c-50c) 7 days. Gross: $5,500. (Average, $5,000)

Cohen Wins Conn. MPTO Golf Tourney

NEW HAVEN, Aug. 8.—Prize for low gross of the day, a 75, went to Joe Cohen of Boston, of the Pouzzner circuit, in the fourth annual Connecticut M.P.T.O. golf tournament at Racebrook Country Club. Milton Small of New Haven won the low net prize.

Best Connecticut exhibitor golfer was George Loukides, assistant at the Loew-Poli, Waterbury, first; Ralph Thurston, of the Saybrook Theatre, second, and Jim Casey, of the Colonial, Canaan, third. Sixty-seven other prizes for golfers and non-golfers were distributed at the dinner which followed the 18-hole tournament in the afternoon. Irving C. Jacocks, Jr. and Edward Levy headed the committee in charge.

Playing Teacher

Cincinnati, Aug. 8.—"Movie Report Card" is the caption used by E. B. Radcliff, film critic of Cincinnati Enquirer, morning daily, in rating pictures after opening in local first run houses. The titles, name of theatres and ratings are tabulated in columnar form, and the "marks" of A, B, C and D assigned. A footnote explains the alphabetical ratings as Excellent, Good, Fair and Poor. Addition of plus and minus signs are used where intermediate ratings might apply.

14,000 Iron Men to 'Iron Mask' in Prov.

PROVIDENCE, Aug. 8. — Paired at Loew's State, "The Man in the Iron Mask" and "Panama Lady" garnered a much better than average $14,000, and a surprise to all was the strong $4,000 business done by "Daughters Courageous," dualled with "Code of the Secret Service," in a second week at the Carlton.

Estimated takings for the week ending Aug. 2-3:

"The Man in the Iron Mask" (U. A.)
"Panama Lady" (RKO)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $14,000. (Average, $11,000)
"Million Dollar Legs" (Para.)
"Should a Girl Marry?" (Mono.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $4,500. (Average, $6,000)
"Daughters Courageous" (W.B.)
"Code of the Secret Service" (W.B.)
CARLTON—(1,526) (25c-35c-50c) 7 days. 2nd week. Gross: $4,000. (Average, $3,500)
"House of Fear" (Univ.)
"The Cowboy Quarterback" (W.B.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $3,500. (Average, $7,000)

Only 'Mother' Woos Cin. From Baseball

CINCINNATI, Aug. 8. —"Bachelor Mother," with a terrific $16,000 at the RKO Albee, was the only picture to get above average in a week in which the natives flocked to the ball park to witness the National League games.

"Bachelor Mother" (RKO)
RKO ALBEE—(3,300) (35c-42c) 8 days. Gross: $16,000. (Average, 7 days, $12,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
RKO PALACE—(2,700) (35c-42c) 7 days. 2nd week. Gross: $8,400. (Average, $10,000)
"Daughters Courageous" (W.B.)
RKO CAPITOL—(2,000) (35c-42c) 7 days. 2nd week. Gross: $3,900. (Average, $6,500)
"My Man Godfrey" (Univ.)
"The Old Stone House" (Univ.) Revivals.
RKO LYRIC—(1,400) (25c-40c) 7 days. Gross: $3,600. (Average, $5,000)
"Saint in London" (RKO) (2 days)
"Heritage of the Desert" (Para.) (3 days)
"Wolf Call" (Monogram) (2 days)
RKO FAMILY—(1,000) (15c-25c) Gross: $2,100. (Average, $2,400)
"Blondie Takes a Vacation" (Col.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $5,000. (Average, $6,000)

Solomon, Warners N. J. Manager, Dies

NEWARK, N. J., Aug. 8.—Funeral services will be held Thursday at his home here for Sigmund S. Solomon, 50, manager of Warners' Sanford in Irvington, N. J., who died Monday night of a heart attack.

Solomon joined Warners in the New Jersey zone in 1934, and managed the Regent here, Castle, Irvington, and the Sanford. Prior to his association with Warners, he was with Paramount. He twice won the *Motion Picture Herald* Silver Plaque for exploitation excellence. Interment will be in Brooklyn.

Theatre, Personnel Notes

Quits Colo. Theatre Field

DENVER, Aug. 8.—John Anderson is giving up his theatre interests in Colorado to move to California with his family and make his home. He recently owned two theatres in Fort Morgan, Colo., which he has sold to J. C. Parker, of Dalhart, Texas.

Iowans on Big Auto Tour

WAUKON, Ia., Aug. 8.—P. D. Cota and his wife, Ruth, operators of the Town and Cota theatres here, accompanied by their sons, Paul and Eaton, have left for a several weeks' auto trip to the New York Fair, the new England states and several points in Canada, returning home through Michigan and Wisconsin.

Buys State Theatre

ALLISON, Ia., Aug. 8.—H. L. Germer, formerly of Minneapolis, has taken over the interests of L. A. Miller in the State theatre here. He plans to install a new cooling system.

Sells Cleveland Theatre

CLEVELAND, Aug. 8.—Ben L. Cohen of Pittsburgh, recent purchaser of the Superior in Cleveland, has sold the house to Henry Barden. Meyer Kaplan continues as booker and manager.

Remodel for Vaudeville

SHAMROCK, Texas, Aug. 8.—Mr. and Mrs. F. S. Oliver are increasing the seating capacity and enlarging the stage of their Liberty in anticipation of adding vaudeville this fall.

Robb & Rowley Open Another

SHERMAN, Texas, Aug. 8.—The new Texas was completed and opened here recently by Robb & Rowley, with H. E. Hargrave as manager. House was erected on the site of its predecessor, destroyed by fire some time ago.

Reopen Columbus House

COLUMBUS, O., Aug. 8.—The Majestic, recently closed by RKO and taken over by High Street Theatre Corp., of which Maurice White is president, will reopen Aug. 4, with a double feature policy.

'U' Transfers Salesman

DENVER, Aug. 8. — Universal has transferred Carl Mock, salesman, to the Indianapolis exchange. He was recently added to the sales force of the exchange here.

Broadway Reopens in Denver

DENVER, Aug. 8. — Denver again has seven first run houses with the reopening of the Broadway theatre by Fox. The house has been closed for a few weeks for reseating, rewiring and recarpeting. John Denman managers it for Fox.

Installs Free Soda Bar

ALBANY, Aug. 8.—Fabian's Palace, first run house, has installed a huge soda bar in conjunction with Royal-Cola, whereby patrons can drink the product free of charge.

Your Leading Cit

"OUR LEAD

"I whole-heartedly commend Paramount for having produced such a wholesome red-blooded picture."

RALPH L. CARR
Governor of Colorado

"I consider 'OUR LEADING CITIZEN' one of the best pictures I have ever seen on the screen. Many of the people who saw the picture with me expressed the same view."

E. P. CARVILLE
Governor of Nevada

"It should be seen by every citizen of the United States. I cannot commend it too highly to the public."

NELS H. SMITH
Governor of Wyoming

"This film is a powerful and stirring drama which emphasizes the importance of preserving the fundamentals and ideals of our American way of living. It should be seen by every citizen."

HENRY HORNER
Governor of Illinois

"A swell show—a great picture. Will do a lot of good."

PAYNE H. RATNER
Governor of Kansas

"Appealed to me more than any picture of recent time. So human—so real."

BELLE REEVES
Secretary of State
State of Washington,
Acting for Governor Martin

A glorious entertainment . . .

iens rave about...

NG CITIZEN"

"A splendid picture, well acted. A great emotional moral picture. Should meet with the approval of every right-thinking citizen."

RICHARD C. McMULLEN
Governor of Delaware

"A very interesting picture."

HARLAN BUSHFIELD
Governor of South Dakota

"A splendid picture."

JOHN MOSES
Governor of North Dakota

"Highly constructive as well as delightfully entertaining."

ROY L. COCHRAN
Governor of Nebraska

"In my opinion, the characterization of Bob Burns in this picture is his best."

CARL E. BAILEY
Governor of Arkansas

"A powerful picture. Any wage earner who sees it cannot help but be a better citizen for having seen it."

A. J. BOURBON
Acting Executive Secretary for Herbert R. O'Conor, Governor of Maryland

"'OUR LEADING CITIZEN' is a fine and enjoyable picture."

M. C. TOWNSEND
Governor of Indiana

lorious screen achievement!

Paramount Pictures

'Mikado' Hits Philadelphia For $18,500

PHILADELPHIA, Aug. 8.—Hot weather continued to hurt business, but figures were an improvement over last week.

"The Mikado" and the Catherine Littlefield Ballet on the stage gave the Fox $18,500. "Andy Hardy Gets Spring Fever" took a neat $15,000 at the Boyd.

Estimated takings for the week ending Aug. 3:

"Man About Town" (Para.)
ARCADIA—(600), 25c-42c-57c, 7 days, 2nd run. 2nd week. Gross: $1,700. (Average, $2,800)
"Andy Hardy Gets Spring Fever" (M-G-M)
BOYD—(2,400) (32c-42c-57c) 7 days. Gross: $15,000. (Average, $14,000)
"Indianapolis Speedway" (W.B.)
EARLE—(2,000) (26c-32c-42c) 7 days. Gross: $5,500. (Average, $8,000)
"The Mikado" (Univ.)
FOX—(3,000) (26c-32c-42c-57c-68c) 7 days. (6 days stage). Stage: Catherine Littlefield Ballet. Gross: $18,500. (Average, $16,000)
"Clouds Over Europe" (Col.)
KARLTON—(1,000) (26c-42c-57c) 7 days. Gross: $2,500. (Average, $4,000)
"Sun Never Sets" (Univ.)
PALACE—(1,000) (26c-32c-42c) 7 days. 2nd run. Gross: $3,400. (Average, $4,500)
"Man in the Iron Mask" (U. A.)
STANLEY—(3,700) 32c-42c-57c) 5 days, 2nd week. Gross: $7,000. (Average, 7 days, $14,000)
"Second Fiddle" (20th-Fox)
STANTON—(1,700) (26c-32c-42c) 7 days. 2nd run. Gross: $6,000. (Average, $7,000)

'Hardy,' 'Daughters,' Defy Seattle Heat

SEATTLE, Aug. 8.—"Andy Hardy Gets Spring Fever," on a double feature program with "Inside Information," was the local standout with a gross of $6,400 at the Paramount. "Daughters Courageous," teamed with "Undercover Doctor," took a good $7,000 at the Fifth Avenue and is being held over. All others felt the effects of the hottest weather of the year.

Estimated takings for the week ending Aug. 4:

"Second Fiddle" (20th-Fox)
"Almost a Gentleman" (RKO)
BLUE MOUSE—(950) (25c-30c-40c-55c) 7 days. 3rd week, extended run from Fifth Avenue. Gross: $3,100. (Average, $4,000)
"Daughters Courageous" (War.)
"Undercover Doctor" (Para.)
FIFTH AVENUE—(2,500) (25c-30c-40c-55c) 7 days. Gross: $7,000. (Average, $7,000)
"Winter Carnival" (U.A.)
"Trapped in the Sky" (Col.)
LIBERTY—(1,800) (25c-30c-40c-55c) 7 days. Gross: $3,900. (Average, $5,000)
"Goodbye Mr. Chips" (MGM)
MUSIC BOX—(950) (25c-30c-40c-55c) 7 days. 5th week. Gross: $3,200. (Average, $5,000)
"Frontier Marshal" (20th-Fox)
"Big Town Czar" (Univ.)
ORPHEUM—(2,450) (25c-30c-40c) 7 days. Jay Clarke, mentalist, on stage. Gross: $5,800. (Average, $6,000)
"Hell's Kitchen" (War.)
"Sweepstake Winner" (F.N.)
PALOMAR—(1,500) (15c-25c-30c-40c) 7 days. Vaudeville headed by O'Connor Family. Gross: $4,200. (Average, $5,000)
"Andy Hardy Gets Spring Fever" (MGM)
"Inside Information" (Univ.)
PARAMOUNT—(3,050) (25c-30c-40c) 7 days. 2nd week. Gross: $6,400. (Average, $6,000)

'Film Index' Edited

Federal Writers' Project (WPA) is editing its "Film Index," 800-page bibliography of motion picture literature, with distribution planned in the fall. The volume will be distributed by the H. W. Wilson Co. which shares publication sponsorship with the Museum of Modern Art Film Library.

Hollywood Preview

"Night Work"

(Paramount)

HOLLYWOOD, Aug. 8.—Fashioned for light laughter and eliciting quite a lot of it at the Hollywood preview, this item in the Fitch Family sequence is okay for just about any kind of theatre any time. Mary Boland and Charlie Ruggles give their usual fine performances and Clem Bevans turns in a character comedy job that rates high among supporting portrayals in any bracket. Billy Lee, Donald O'Connar, William Frawley and Edward Gargan are other names that mean something on marquee and screen.

Produced by William H. Wright and directed by George Archainbaud, this film is from an original screenplay by Monte Brice, Lloyd Corrigan and Lewis R. Foster. It has to do with the arrival of a steeplejack grandparent of a boy the Fitches plan to adopt and his stay on the premises for the purposes of making up his mind whether or not he should permit the adoption. Miss Boland persuades Ruggles to pretend a physical prowess the steeplejack grandfather considers an essential parental qualification and the comic developments derive from this attempt.

Best sequences are an altitudinous adventure in the "High and Dizzy" tradition and a domestic episode in which Ruggles and others attempt to show one of the boys how to work a problem in arithmetic.

Running time, 61 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

17-Inch Hot Dog

Kansas City, Aug. 8.—W. P. "Bernie" Bernfield, big-hearted exploiter for United Artists, received a 17-inch-long hot dog, complete with side-boards of bread to match, from Arkansas City, Kan., the other day. He took it down to Loew's Midland to share it with John McManus, manager. McManus, according to Bernfield, "seized the dog, ate every crumb, and then raised the devil with me for not providing mustard."

'Dawn' Hits $5,800 In Milwaukee Lull

MILWAUKEE, Aug. 8.—"Each Dawn I Die" and "Cowboy Quarterback" was the best bill in a somewhat listless week with a $5,800 take at the Warner. Other programs failed to clear average.

Estimated takings for the week ending Aug. 2-3:

"Andy Hardy Gets Spring Fever" (M-G-M)
"They All Come Out" (M-G-M)
WISCONSIN — (3,200) (25c-35c-50c) 5 days. 2nd week. Gross: $4,000. (Average, $5,500)
"Good Girls Go to Paris" (Col.)
"Clouds Over Europe" (Col.)
PALACE—(2,400) (25c-35c-50c) 7 days. Gross: $4,000. (Average, $4,000)
"Inside Information" (Univ.)
RIVERSIDE—(2,700) (25c-30c) 7 days. Stage: Stardust Revue. Gross: $5,900. (Average, $6,500)
"Goodbye Mr. Chips" (M-G-M)
STRAND—(1,400) (25c-35c-50c) 7 days. 4th week. Gross: $1,100. (Average, $1,500)
"Each Dawn I Die" (W. B.)
"Cowboy Quarterback" (W. B.)
WARNER—(2,400) (25c-35c-50c) 8 days. Gross: $5,800. (Average, $4,500)

Rebush Film to Start

Roman Rebush, president of Credo Pictures, Inc., will start production Thursday on "Mirele Efros," all-Yiddish talking feature, at the Film Art Studios under the direction of Josef Kerne. Berta Gerstein will be starred with a supporting cast including Michael Rosenberg, Albert Lipton and Ruth Ellbaum. J. Burgi Contner will be at the camera.

Vallee, 'Girls' Loop Winner With $42,700

CHICAGO, Aug. 8.—Rudy Vallee and his stage revue plus "Good Girls Go to Paris," was the stand out offering in the Loop, grossing $42,700 at the Chicago. "Man of Conquest" and "Bridal Suite" at the Oriental took $14,500. The weather was very warm all week.

Estimated takings for the week ending Aug. 2-5:

"Goodbye, Mr. Chips" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. 6th week. Gross: $5,000. (Average, $6,000)
"Good Girls Go to Paris" (Col.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Rudy Vallee and Revue. Gross: $42,700. (Average, $32,000)
"6,000 Enemies" (M-G-M)
GARRICK—(900) (35c-40c-65c) 7 days. Gross: $4,800. (Average, $5,000)
"Man of Conquest" (Rep.)
"Bridal Suite" (M-G-M)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Evelyn Brent in person. Gross: $14,500. (Average, $13,000)
"Daughters Courageous" (W. B.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $9,000. (Average, $11,000)
"Gracie Allen Murder Case" (Para.)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $12,600. (Average, $12,000)
"Love Finds Andy Hardy" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. 2nd week. Gross: $9,600. (Average, $14,000)

To Build Four New Theatres in Houston

HOUSTON, Aug. 8.—Four new houses will be constructed here in the near future.

Interstate Circuit is erecting one to cost $125,000; Hugh Potter will build one at an estimated cost of $100,000, which will be managed by P. P. Scott of Dallas; W. V. Ratcliff will build a $60,000 house, and Glass Theatres Corp. will erect the Studewood at a cost of $25,000. R. W. Glass formerly operated in Dallas.

Fox Midwest Heads Meet On Convention

KANSAS CITY, Aug. 8. — District managers of Fox Midwest Theatres, Inc., met here last week with E. C. Rhoden, head of the company, to discuss plans for the annual managers' convention, which will be held Aug. 15 and 16 at the Elms Hotel, Excelsior Springs, Mo.

Present were Fred Souttar, St. Louis; H. E. Jameyson, Wichita, Kan.; Edd Haas, Harry McClure, and Lon Cox. Cox, who also is film buyer for the circuit, returned to New York after the meeting.

New Job for DeVilbliss

Temple DeVilbliss, construction engineer for the Griffith-Dickinson Theatres, Inc., has added the resident managership of the Macon theatre at Macon, Mo., to his other duties.

Takes Chillicothe Post

Glen W. Dickinson, Jr., formerly at Manhattan, has gone to Chillicothe, Mo., to manage the Rio Grand, succeeding M. M. Ledford, who now is unassigned.

Manages Fredonia Houses

Bob Morley, son of Fred Morley of Partnership Theatres, Inc., Dallas, will be city manager of the circuit's two houses at Fredonia, Kas. The circuit just recently acquired the two Fredonia theatres—the Klock and the Whiteway.

Contract Affects 40 Houses

Most of the suburban exhibitors here are having to install toilet facilities and running water in their booths in order to comply with the terms of a new contract with Operators' Local 170. The new contract, which expires August 31, 1940, provides for the addition of such facilities. Only about eight suburban houses have them.

The new contract, which includes the downtown Liberty and Regent, subsequent run houses, but which does not affect first run theatres (except the Fox Uptown), replaces one which expired July 11. It makes no other changes; that is, in hours or wages. Affected are approximately 40 theatres, all subsequents in Kansas City, Mo., except the Palace and Circle, which are not unionized.

RKO Orpheum to Reopen

Lawrence Lehman, formerly manager of the RKO Mainstreet here for many years, will be manager of the RKO Orpheum when it reopens August 18. RKO has been using the Orpheum as its downtown first run house since the Mainstreet was closed two years ago.

Opens New House Sept. 1

Gus Diamond, who operates houses at Salina and Arkansas City, Kas., September 1 will open a new house, the Roxy, at Eldorado, Kan.

Permit Sunday Films

SANFORD, N. C., Aug. 8. — The Board of Aldermen has granted permission to R. P. Rosser, operator of the local theatre, to open his house for one performance on Sunday.

Huge Tribute To Blumberg By Exhibitors

(Continued from page 1)

the Coast for a home office visit of several weeks, revealed yesterday that Universal, in recognition of the tribute being paid Blumberg by exhibitors, will release a number of its most important pictures of the new season during August, September and October. The studio will have completed 14 new productions by Sept. 1, all of which will be released during the period of the exhibitor testimonial.

Each release will be accompanied by a special advertising and exploitation campaign within the industry as well as outside of it.

"The campaigns will be trade-wise as well as public-wise," Fox said. "You have to let the exhibitor know about your product before you let the public know."

Among the pictures which will be released during the testimonial period are "When Tomorrow Comes," with Irene Dunne and Charles Boyer; Deanna Durbin in "First Love"; a first production from the new Harry Edington company, which will star Douglas Fairbanks, Jr., Joan Bennett and Jean Hersholt; "Tower of London," with Basil Rathbone and Boris Karloff; "Bad Company," with Jackie Cooper and Freddie Bartholomew; "Rio," with Victor McLaglen, Sigrid Gurie, Basil Rathbone, Leo Carrillo and Robert Cummings; "Destry," with James Stewart, "The Underpup" and others.

Fox paid tribute to Work for inaugurating a new order at the Universal studio, which he said has developed the best employee morale in the production community and is beginning to result in "good pictures brought in on time."

"Universal is emerging from a hectic period of almost unbelievable pressure," Fox said. "The company is just starting to roll. It has been able to reach this stage only with the help of exhibitors who came to its aid when it needed it most. Universal has a debt to exhibitors that it will never forget."

Goldenson to Detroit On Trendle Mission

Leonard Goldenson, Paramount home office theatre official, left for Detroit yesterday to confer with George Trendle and Earl Hudson on current operations of United Detroit Theatres.

Trendle, who tendered his resignation a month ago, has not withdrawn from the circuit yet and no successor has been named.

Negotiation of a new operating contract between Paramount and Lucas & Jenkins, which had been scheduled to get under way at the home office this week, has been postponed until next month.

250,000 See Autry

Gene Autry, Republic western star, got a big reception on his arrival in London, Cork and Limerick, and the parade in Dublin yesterday attracted 250,000 persons, according to a cable from H. J. Yates received by James R. Grainger, Republic president.

Duals Preferred

Kansas City, Aug. 8.—Edward Mansfield, manager of the Regent, has taken a ballot among his patrons on multiple bills and finds that most of them like doubles, many of them want triples, but few like singles. One voter was emphatic for four films plus comedy, newsreel, and sports reel and would like to see Bank Night revived.

Producers and IA In Tentative Pact

(Continued from page 2)

herd workers back into the company-dominated I.A.T.S.E." and furthermore charged that it violated the Wagner labor relations act.

His complete statement follows:

"We appeared at the Labor Board today. Representatives of the U. S. government asked all parties to waive the formal five-day notice in order to bring about an immediate election. U.S.T.G. immediately agreed. I.A.T.S.E. refused to waive this five-day period in keeping with its policy of delay.

"We now understand that at the same time that this hearing was proceeding before the Labor Board, a statement has been made by the producers indicating that they had reached a tentative agreement with I.A.T.S.E. on everything except hours, wages and working conditions.

"We, of course, have not seen this so-called agreement, but in our opinion it is not worth the paper it is written on for it violates not only the spirit but the letter of the Wagner act.

"It is another effort on the part of Schenck to continue to deliver civil liberties of all studio workers over his cohorts, Browne and Bioff. We expect to get a real contract for the men, and believe that with the aid of all right thinking people we will succeed in our effort to permit the processes of law to go forward to an election under the supervision of the U. S. government.

"No worker should be fooled by this obvious maneuver on the part of Schenck to herd workers back into the company-dominated I.A.T.S.E. Schenck can rest assured that U.S.T.G. is not being fooled by that maneuver."

Peterson attacked the N.L.R.B. in a statement which reads in part:

"The Board tried to high pressure us into waiving its own rules of procedure which requires five days' notice before hearings are held. Furthermore, the board has never before attempted to divide jurisdiction of a labor unit before a hearing.

"In this case the Board, under prodding of Charles Katz, CIO attorney, attempted to define jurisdiction over cameramen. When the I.A.T.S.E. requested the Board to hold an election in Hollywood several months ago for the purpose of having itself defined as bargaining agent for the workers under its jurisdiction, the Board informed I.A.T.S.E. that its regulations prevented the holding of the election for ten months because Jeff Kibre had filed a complaint.

"When it comes to CIO the N.L.R.B. is apparently willing to change its regulations and rules or make up new ones as it goes along."

Strike Peril In Industry More Acute

(Continued from page 1)

Council itself will have to define it."

Yesterday's sensational developments included the following:

Ralph Morgan, president of the Screen Actors Guild, prior to leaving Hollywood with a large delegation, told reporters:

"There may be a strike in Hollywood if our trip to Atlantic City is unsuccessful."

George E. Browne, I.A.T.S.E. president, answered:

"If the screen actors strike we will answer with another strike. We'll pull out all projectionists in the country."

Ken Thomson, executive secretary of the S.A.G., said:

"We have a clear title to our jurisdiction from the A. F. of L.'s own records. We can and will prove it."

N. Y. Supreme Court Justice McGoldrick denied an injunction to the A.F.A. in its fight against the A.A.A.A., and ordered an early trial on the issues involved.

4-A made a bid for the support of Theatrical Managers, Agents and Treasurers Union by offering to discuss a working agreement with T.M.A.T.

Board of Governors of T.M.A.T. meanwhile voted to submit the question of affiliation with the I.A. to a nationwide referendum of the membership. Referendum issue will come up for approval at a membership meeting in New York tomorrow night.

Harry Richman, A.F.A. vice-president, was temporarily suspended from membership in Actors Equity by the Equity council yesterday and instructed to answer charges of conduct against the welfare of the union on Aug. 29. Request of Sophie Tucker, A.F.A. president, who was similarly suspended last week, for postponement of her trial and for the right to have her attorney represent her, was denied by the council.

Delegation of screen actors left Hollywood aboard the TWA "Star Special," after being cheered by large mass meeting at the airport. Another mass meeting was called for Sunday in Hollywood when the delegation will report. They will join a group of legitimate stage, radio and concert stars for their descent on Atlantic City tomorrow.

Green, plainly disturbed by the growing bitterness of the fight, described the battle as "a headache."

By a vote of 11 to 3, T.M.A.T. board of governors voted to submit the question of I.A. affiliations to a referendum. However, a membership meeting will be held tomorrow evening to approve this action.

Present indications are that the Motion Picture Division will be permitted to participate neither in tomorrow's meeting nor the referendum, but the question is being studied. Treasurers group and one faction of the managers group are behind an I.A. tieup, as are most of the out-of-town press agents, but local publicity men and most of the managers are against it. A close vote is anticipated. Last Thursday, a membership meeting rejected I.A. affiliation but this vote was not accepted by the Board of Governors on technical grounds.

Richman's suspension was anticipated as a logical move following the suspension of Miss Tucker. Miss Tucker's plea for the right to appear by counsel was rejected on the ground that the Equity constitution does not permit such a procedure.

Preparing for the possibility of a strike, the council appointed an emergency committee consisting of Paul Dullzell, executive secretary, Walter Greaza, Alfred Kappler and Muriel Kirkland. Chorus Equity appointed Ruth Richmond, executive secretary, Leroy MacLean and Gerald Moore.

A mass meeting to hear report on the A. F. of L. session has been set for the Hollywood Legion Stadium Sunday night.

Several last minute substitutions were made in the delegation which includes Ralph Morgan, S.A.G. president; Larry Steers, president of the junior group within the S.A.G.; Olivia De Haviland, Binnie Barnes, Lucille Gleason, Edward Arnold, Jean Muir, Mischa Auer, Wayne Morris and Henry Hull. When they arrive at 5 P. M. today they will be joined by Tallulah Bankhead, Miriam Hopkins, Fredric March, Jascha Heifetz and Lawrence Tibbett. The entire group, together with an official committee composed of Frank Gillmore, 4-A president, Turner and Henry Jaffe, associate counsel, will leave early tomorrow for Atlantic City.

Newsreel Parade

Closing of the 76th Congress with Congressmen giving their views is the most significant subject in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 95—Anti-British demonstrations in Tokyo. Close gambling ship. Franco restores Spain's money to Madrid. Congress adjourns; Senators discuss outcome. Mrs. Theodore Roosevelt celebrates birthday. Queen Elizabeth visits families of Guards; Princesses Elizabeth and Margaret on sightseeing tour. End endurance flight. Test new British flying boat. Lew Lehr. Aquaplane racing. Underwater fishing.

NEWS OF THE DAY, No. 293—Congress ends session. Plane set for British air mail service. Set endurance flight record. Gambling ship raided. Gas blast in London. Princesses Elizabeth and Margaret visit former residence. Aquaplane derby. Putting-out-the-cat contest.

PARAMOUNT NEWS, No. 106—British plane refuels in air. Mrs. Theodore Roosevelt celebrates birthday. Shipment of gold arrives in Madrid. British reservists call for duty. Midgets have normal baby. Martial law in Colorado. Vandenburg, Berkley, Taft and Garner speak as Congress closes. Opening of Bing Crosby's race track. Cross-channel aquaplane race.

RKO PATHE NEWS, No. 6—Political controversy follows adjournment of Congress. War games in Virginia. Gambling ship raided. British plane takes on fuel in midair. Aquaplane race in Pacific.

UNIVERSAL NEWSREEL, No. 795—Congressmen return home. Labor riots in Colorado. Army maneuvers in Virginia. Close gambling ship off California coast. Forest fire in Oregon. Aquaplane race. Cat-putter-outer championship. Automobile pageant in Flint.

Columbia Travel Series

Andre de LaVarre, world traveler and photographer, will make six travel films for Columbia during the new season under the terms of a deal closed with the company yesterday. The series will be known as Columbia Tours.

; moment... these famous Africa!



Twentieth Century-Fox presents
Darryl F. Zanuck's Production of

STANLEY and LIVINGSTONE

starring
SPENCER TRACY
with
NANCY KELLY • RICHARD GREENE
WALTER BRENNAN • CHARLES COBURN • HENRY HULL
SIR CEDRIC HARDWICKE • HENRY TRAVERS
Directed by Henry King

Associate Producer Kenneth Macgowan • Screen Play by Philip Dunne and Julien Josephson • Historical Research and Story Outline by Hal Long and Sam Hellman

WORLD PREMIERE TOMORROW
Doors open at 11:00 A. M.
AT THE AIR-COOLED
ANY DAY ANY SEAT 'TIL 1 P.M. 25¢ **ROXY** CHILDREN UNDER 12 ALWAYS 15¢
SHOW VALUE OF THE NATION • 7th Ave. & 50th St.

FOUR FEATHERS

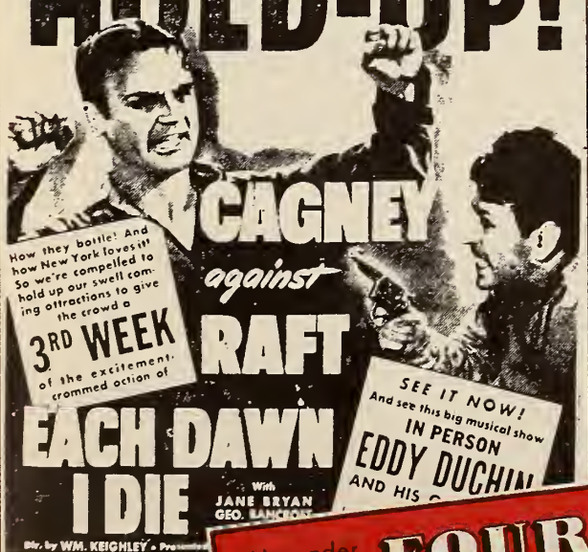
"In spite of all competition, there's no getting around it; the **Capitol** has the biggest and best show in town!" —*New York Times*

"*The Capitol has a stupendous hit this week!*" —*Daily Mirror*

FOUR FEATHERS

FOUR FEATHERS

OH! WHAT A
HOLD-UP!



CAGNEY against RAFT
EACH DAWN I DIE
With JANE BRYAN GEO. BANCROFT
How they battled! And how New York loves it! So we're compelled to hold up our swell coming attractions to give the crowd a 3RD WEEK of the excitement crammed action of
SEE IT NOW! And see this big musical show IN PERSON EDDY DUCHIN AND HIS
Dir. by WM. KEIGHLEY • Pro

"YEAH...BEAU!"



Miss New York has a new Beau! Father Knickerbocker has a new buddy... and he's Gary Cooper in the grandest of all the outdoor action adventure romances to hit Broadway this year... Paramount's new "Beau Geste." Couple this with the huge in person show, starring Phil Spitalny and his famous "Hour of Charm" All-Girl Orchestra, and you know why the whole town's saying... "the Paramount's done it again...they've got the biggest show in town."

GARY COOPER in Paramount's New "BEAU GESTE" with Ray Milland • Robert Preston Brian Donlevy • Susan Hayward Produced & Directed by William A. Wellman

IN PERSON PHIL SPITALNY and His World Famous ALL-GIRL ORCHESTRA presenting "The Hour of Charm"

Doors Open

COOL PALACE B'WAY & 47th ST NOW
SONJA HENIE • TYRONE POWER
RUDY VALLEE in IRVING BERLIN'S
"SECOND FIDDLE"
Also 1st N.Y. Run SIGRID GURIE "FORGOTTEN WOMAN"

★★★½★... Daily News
CLIVE BROOK in
The WARE CASE
COOL Little CARNEGIE 57 St. East of 7th Ave.

2nd International FILM FESTIVAL
Two Mexican Prize Films
PAUL STRAND'S "THE WAVE"
also "ADVENTURES OF CHICO"
5TH AVE. Playhouse 66 FIFTH AVE. (at 12 St.)
(AIR-COOLED) Cont. from 1 P.M. AL. 4-7661

ormandie PARK AVE. at 53 ST. Air-conditioned
CLAUDETTE COLBERT • JAMES STEWART
"IT'S A WONDERFUL WORLD"
& THURS.: "THE GOOD FAIRY"

PLAYHOUSE—52 West 8th St.
Priscilla LANE • Claude RAINS • May ROBSON
'Daughters Courageous'
Beg. Tom'w: G. Rogers 'Bachelor Mother'

lia BROADWAY & 95TH ST.
AIR-CONDITIONED • AC. 2-3370

Alexander Korda's **FOUR FEATHERS** in Technicolor

NEW YORK, Capitol—Held Over after biggest first week in 6 months.
CINCINNATI, RKO Albee—Smash first week brings move-over to Lyric.
TORONTO, Uptown—Set for third week following new house record.
ROCHESTER, Loew's Rochester—Biggest U. A. opening in over two years.
ASBURY PARK, Mayfair—Held over second week after new season high.
PROVIDENCE, Loew's State—Hits 174% of average. Moves over to Carlton.

ormandi
BRIA
AHERN
"MER
Feature at 1:32, 3:39, 5:46, 7:53, & 10 P.M. • MAT. 35¢ EVES. 55¢

COOL LOEW'S

GOODBYE MR. CHIP
starring Robert Donat with Greer Garson.
A Metro-Goldwyn-Mayer Hit • Directed by Sam Wood
13th BIG WEEK • COOL ASTOR

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 28 NEW YORK, THURSDAY, AUGUST 10, 1939 TEN CENTS

Loew's Gets $15,000,000 Refund Loan

$8,000,000 Will Go Into Immediate Reserve

Of $15,000,000 which has been borrowed by Loew's, Inc., for refunding of obligations and additional working capital, almost $8,000,000 will be placed in reserve, to be available to the company for future purposes.

Company officials say there are no specific plans for the use of the money at the present time.

The total sum was obtained through a loan of $3,750,000 by the First National Bank of Boston and an issue of $11,250,000 of bonds which were purchased in their entirety by the Metropolitan Life Insurance Co. and the Equitable Life Assurance Society.

The borrowing was made at an interest rate averaging 3.30 per cent, which is considered low. The bank loan will bear annual interest of 2¾ per cent and will be paid off in five years in semi-annual installments of $375,000. The obligations to be retired bear 6 per cent.

The bonds are first lien 3½ per cent bonds of Loew's Theatre & Realty Corp., a wholly owned subsidiary. A sinking fund will operate in five years to retire $400,000 of the bonds semi-annually during the final 10 years of the term of the issue.

Approximately $7,000,000 of the new financing will be used to retire on

(*Continued on page* 10)

Bondy Seeks SEC View on Atlas Plan

The Securities and Exchange Commission has been requested by Federal Judge Bondy to examine and submit an opinion on the Atlas Corp. proposal for underwriting $1,500,000 of new RKO common stock, it was disclosed during a hearing on the underwriting plan before Judge Bondy yesterday.

The S. E. C. will submit a report on the proposal on Aug. 23 and if Judge Bondy has not reached a decision on acceptance or rejection of the proposal by then, he will probably be guided by that report, he indicated at yesterday's hearing. Meanwhile, further consideration will be given the proposal at another hearing to be held tomorrow.

George Leib, senior partner in Blythe & Co., investment bankers, tes-

(*Continued on page* 9)

NLRB in Warning To Producers, IA Upon Studio Pact

Los Angeles, Aug. 9.—Any agreement that I.A.T.S.E. makes with the producers is subject to the outcome of N.L.R.B. procedure involving the jurisdictional battle between I.A.T.S.E. and the United Studio Technicians Guild, the local Labor Board office announced today.

Already termed by U.S.T.G. as a violation of the Wagner act, the tentative agreement announced yesterday became the subject of a statement telephoned here by George O. Pratt, chief trial examiner.

Pratt said:

"There has been brought to my attention a press release in which it was announced that a tentative agreement on a five-year contract between the I.A.T.S.E. and the producers has been reached and that a contract em-

(*Continued on page* 10)

'In Name Only' Gets Music Hall $95,000

"In Name Only" scored a strong $95,000 for the first week at the Music Hall and is being held a second week. "Four Feathers," also being held at the Capitol, came through the first week with a big $33,000, as Broadway business continued strong with good product.

"Beau Geste" drew $53,000 in the first Paramount week, and also is being held for a second, while "Stanley and Livingstone" is expected to take as estimated $58,000 in its first stanza at the Roxy, where it, too, will be held.

"They Shall Have Music" did $15,000 in its second week at the Rivoli, and "Mr. Wong in Chinatown" drew $4,800 in its week at the Globe, ended on Saturday.

"Goodbye, Mr. Chips" was good for $10,500 in the twelfth week at the Astor.

Fox Midwest Men Meet on Tuesday

Kansas City, Aug. 9.—Approximately 120 managers and executives of Fox Midwest Theatres, Inc., will attend the annual managers' convention at the Elms Hotel, Excelsior Springs, Mo., next Tuesday and Wednesday.

Spyros Skouras, National Theatres head, will attend one session, and will award plaques and showmanship prizes to winners in the Skouras drive that ended July 8.

E. C. Rhoden, head of Fox Mid-

(*Continued on page* 10)

AFL TO AIR ACTORS DISPUTE IN SECRET

Coast Delegation Here; Eager for Showdown At Atlantic City

Refraining from all official comment about strike possibilities and a bolt from the A. F. of L., representatives of all actor unions within the Associated Actors and Artistes of America laid last minute plans last night for their appearance today before the executive council of the A. F. of L.

There could be no mistaking, however, the unanimous sentiment, expressed informally, for immediate severance of all A. F. of L. ties in the event that the decision is adverse.

Questioned about a strike in film studios in the event that I.A.T.S.E. ties up the Broadway legitimate stage, Kenneth Thomson, Screen Actors Guild executive secretary, declined to give a categorical response, but said:

"It would seem the logical thing to do."

Heading a delegation of nine screen actors who arrived at Newark airport aboard a TWA "Star Special" at 6:05 P. M. yesterday, Ralph Morgan, S.A.G. president, declared he had

(*Continued on page* 10)

'Under-Pup' to Have Premiere August 24

Universal plans an elaborate, invitation premiere of "The Under-Pup," in Scranton on Aug. 24, honoring Gloria Jean, who stars in the film, and who hails from the Pennsylvania city. Critics and correspondents, as well as trade paper editors, from every major city in the country will attend as guests of Universal.

The film will be shown at the Strand and Comerford, and after the premiere, will continue its regular run at the Strand. The opening will be

(*Continued on page* 10)

Theatre Men Meet Today in Toronto

Toronto, Aug. 9.—Independent exhibitors of Ontario will gather here tomorrow noon for a regional meeting of the Anti-Protection League of Canada under the chairmanship of J. O. Scott of Weston.

Preparations will be made for the Canadian convention of theatre owners to be held here two weeks hence under the League's auspices. At that time demands for clearance revisions and other concessions from exchanges will be made.

Hearing Barred to Press; Gillmore Loses Plea For Open Doors

Atlantic City, Aug. 9.—Reversing his stand of yesterday, William Green, president of the American Federation of Labor, disclosed today that the stage and screen stars, en route here, will be admitted to the session of the executive council of the A. F. of L. to hear the charges of the 4-A's against the I.A.T.S.E.

The ban on newspapermen, however, still stands and the hearing will be closed to the press.

The Council last night rejected an appeal by Frank Gillmore, president of the A.A.A.A., for an open hearing for the "public and the press" and for permission to bring in a court stenographer.

Green announced that the I.A.T.S.E., A.F.A. and the 4A's will be asked to designate representatives who will be heard in full by the Council.

Green said that an immediate decision is expected from the Council. However, indications are that the hearing, scheduled for 2:30 P. M. today, will not end today, but will be continued tomorrow.

Despite the fact that an immediate decision is scheduled to be handed down by the Council, that does not

(*Continued on page* 2)

$1,000,000 Aid Set For GN Producers

A minimum fund of $1,000,000 is scheduled to be established to finance producers who will release through Grand National, it was disclosed yesterday. The production financing is in addition to the $400,000 Reconstruction Financing Corp. loan being made to Educational.

Although Felt & Co. is a prime mover in the creation of the $1,000,000 fund, Irving Trust Co. probably will advance the largest single amount of the several interests which will participate in the production financing. The Irving Trust participation may amount to as much as one-half of the total. Felt & Co. may participate to the extent of $150,000 or $200,000, with the remainder of the $1,000,000 minimum being supplied by Erpi and Pathe Film.

The deal establishing the fund may

(*Continued on page* 2)

AFL to Hear Actors Behind Closed Doors

(*Continued from page* 1)

mean that the controversy will be settled here, according to informed sources.

Complete confidence prevails in the ranks of the I.A.T.S.E. leaders here. In addition to George E. Browne, I.A. president, all the organization's vice-presidents are in attendance.

I.A.T.S.E. heads, expressing the belief that they will be given jurisdiction over the actors, stress the fact that their organization is 50 years old and that their original charter gives them jurisdiction over the actors. Their contention is that they never chose to exercise that jurisdiction, but that the time has now arrived for them to take the actors' unions into the fold.

Bitterness against the 4-A's and against Kenneth Thomson, executive secretary of the Screen Actors Guild, is intense in I.A. ranks. Much is made of the fact that the S.A.G. accepted I.A. help two years ago, and Thomson is claimed to have agreed with Browne to go along in the formation of one union in the film field, and then to have walked out on the plan.

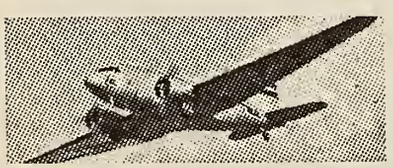
Ralph Whitehead, ousted A.F.A. executive secretary, and now head of the actors' division of the I.A., is active in the lobbies of the hotel, buttonholing A. F. of L. chiefs and appearing to have their confidence.

Sophie Tucker, president of the

(*Continued on page* 10)

FLY TO THE GOLDEN GATE!

VIA GRAND CANYON BOULDER DAM!



Less than a Day—By TWA!

Double your fun—when you travel to the San Francisco Fair! Fly TWA, and see Grand Canyon and Boulder Dam—2 scenic thrills you mustn't miss!

Only TWA offers you such a trip! Latest departure from New York—allows full evening at home.

LOS ANGELES or SAN FRANCISCO—*Overnight* via Skysleeper! Board TWA's "Sky Chief" 5:30 p.m.—arrive Los Angeles early next morning...in San Francisco at 9:45 a.m.

Schedules Shown are Standard Time

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10% Discount on Round Trips!

TWA

SHORTEST, FASTEST COAST-TO-COAST

Purely Personal

JAMES R. GRAINGER, Republic president, left for Atlanta by plane yesterday where he will confer with ARTHUR BROMBERG, southern franchise holder, before continuing to New Orleans. CLAIR HILGERS, southern sales manager, will accompany GRAINGER to New Orleans from Atlanta.

•

EDWIN BLOOM, 20th Century-Fox writer, is in Pikeville, Ky., gathering data on JOHN MARVIN YOST, bank official whose plan for assisting young people to obtain an education will be the theme of a picture.

•

BRUCE COLEMAN has returned from Virginia, where he filmed a two-reel subject in color, "Harvest of the Sea," under the supervision of G. WALTER MAPP of the Virginia Fisheries Commission.

•

EDDIE DOWDEN of Loew's is cutting his vacation short to handle ballyhoo details for reception of Mickey Rooney and Judy Garland on Monday.

•

MARY PICKFORD has accepted an invitation to act as queen of the fifth annual National Tobacco Festival at South Boston, Va., Sept. 7 and 8.

•

LUNSFORD P. YANDELL, R.C.A. financial officer and member of the RKO board of directors, is vacationing on the west coast.

•

GEORGE WELTNER, JOHN DAY, JOSEPH COOPER, ED SAUNDERS at Nick's Hunting Room in the Astor for lunch yesterday.

•

ROBERT STEVENSON, British director, is en route here from England on the *Normandie*, scheduled to arrive Monday.

•

ANNA D. ELLMER, OSCAR DOOB's right-hand bower, is celebrating 25 years with Loew's with a vacation at Lake George.

•

WALTER READE, circuit head, will fly to Saratoga tomorrow to resume a vacation there which business interrupted.

•

DAVE PALFREYMAN of M.P.P.D.A. will leave for Lake James, Ind., Friday for a vacation of several weeks.

•

ENRIQUETA CASTILLO, NBC Spanish American singer, has returned from an engagement in Havana.

•

MAURICE PIVAR, Universal film editor, is in New York from the coast for a brief visit.

•

LEW WERNER of the Russell Theatre, Glace Bay, Nova Scotia, is visiting in New York.

•

J. ROBERT RUBIN of M-G-M has deferred his scheduled European trip.

•

JOEL SWENSEN of M.P.P.D.A. is vacationing.

JOSEPH M. SCHENCK, 20th Century-Fox chairman of the board, arrived from the Coast by plane yesterday noon. His stay is expected to be short. CHARLES E. MCCARTHY, advertising and publicity director, arrived with him.

•

W. C. GEHRING, Central division sales manager for 20th Century-Fox, left last night for Detroit to negotiate a new film deal with the Co-operative Circuit of Theatres there.

•

RAQUEL ALBERT, Cuban film player and writer, sails Monday for Havana after fulfilling her mission as official delegate of the Cuban Government to the World's Fair.

•

JOE E. BROWN has accepted an invitation to be guest of honor at the annual state baseball tournament, sponsored by the *California Tribune* at Oakland.

•

LYLE TALBOT will leave the coast on a personal appearance tour following completion of his role in Paramount's "Federal Offense."

•

BINGO BRANDT and LIONEL TOLL leave for Saratoga today to meet MR. and MRS. HARRY BRANDT, who are vacationing there.

•

MRS. RAYMOND MASSEY has been assigned a role in "Abe Lincoln in Illinois," RKO film in which her husband is starred.

•

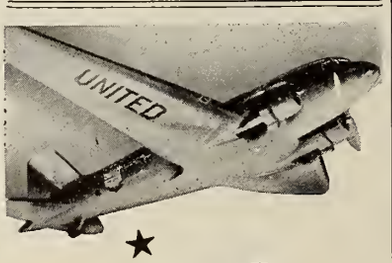
MARTIN LEVINE of the Brandt circuit has moved into a larger office at his Selwyn Theatre building headquarters.

For Lunch, Dinner or Supper

LaHIFF'S TAVERN

The Industry's MEETING and EATING PLACE

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UNITED...

THE DISTINGUISHED WAY TO LOS ANGELES

Overnight to the coast. Luxurious Mainliner sleepers—the "Continental" leaving New York 5:45 pm, and the "Overland Flyer" leaving New York 9:45 pm. Finest meals aloft. Call travel agents, hotels, or

PHONE MU 2-7300

UNITED AIR LINES

58 East 42nd Street

Seven Allied Units Ratify Code Stand

Seven Allied units have formally ratified the report of the organization's negotiating committee which rejected the proposed trade practice code, according to an Allied bulletin.

These are listed as New England, New Jersey, Eastern Pennsylvania, Western Pennsylvania, Indiana, Allied of the Northwest and Texas. "So far as we are aware, no exhibitor association has formally approved the code in its entirety," the bulletin says. It continues:

"It is probable that some or even many independent exhibitors will sign the code in order to participate in its benefits. So long as the campaign is conducted fairly and without coercion, it is a matter of indifference to Allied, since as an organization it is in the clear and will not be affected by their individual signatures. But if it becomes apparent that coercion is being used to induce exhibitors to sign the code against their will, Allied will be both interested and active."

The bulletin traces the history of Allied's negotiations on the code.

$1,000,000 Aid Set For GN Producers

(*Continued from page* 1)

be completed within 10 days. Grand National proposes to do no producing itself this year, but will make distribution and financing deals with outside producers to obtain 45 or 50 features as rapidly as possible and without the complexities of establishing a production organization of its own on short notice. The first distribution deal, for eight color features, was closed recently with Golden West Pictures, of which Charles E. Goetz, wealthy Phoenix, Ariz., business man, is president.

Gets Alliance Franchise

Alliance Films, of which Budd Rogers is vice-president and general manager, has closed with Ben Rogers' Popular Pictures, Boston, for the New England franchise for the Alliance program of 12 features for 1939-'40.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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For the New Warner Season

'The Old Maid'



As Singular An Achievement
As The *Pulitzer Award Play*

As Deeply To Be Cherished
As The Renowned *Best Seller*

As Assured Of Success
As Warner Bros.' Unfailing Production
Policy Can Make It

BETTE MIRIAM

DAVIS ★ HOPKINS

in

"THE OLD MAID"

with

GEO. BRENT

DONALD CRISP • JANE BRYAN • LOUISE FAZENDA

JAMES STEPHENSON • JEROME COWAN • WM. LUNDIGAN • CECILIA LOFTUS

Directed by EDMUND GOULDING

Screen Play by Casey Robinson • Based on the Pulitzer Prize Play by Zoe Akins and the Novel by Edith Wharton • Music by Max Steiner • A First National Picture

JACK L. WARNER • HAL B. WALLIS • HENRY BLANKE

In Charge of Production *Executive Producer* *Associate Producer*

British Militia Seeking Camp Film Theatres

By AUBREY FLANAGAN

LONDON, Aug. 9.—The provision of camp cinemas, which is to be considered by a joint trade and military committee, is not the only scheme to be forwarded to the film industry for entertaining the new Militia. One of the most frequent suggestions is that Militiamen should be admitted half price to cinemas. The C. E. A., however, is taking a stand against this proposal.

Another suggestion made to local exhibitors is that they provide special Sunday shows to the Militia.

A new seating plan is being launched in London at the Leicester Square Odeon by Oscar Deutsch. Over various periods of the day the theatre will be divided into seating areas of two prices only; stalls at one price and the circle at another. No standing will be allowed.

A national drive towards a 48-hour week and the adoption of the "closed shop" principle, is planned by the N.A.T.K.E. Resolutions to this effect have been passed at this year's annual conference, and the committee has been instructed to take steps to negotiate with the C.E.A. and circuits on both subjects.

Allegations were made at the conference that employees at some places have to work 80 and 85 hours a week, owing to the spread-over system.

During the conference a warning was issued to cinema employees to face the problems of impending television.

A large scale black-out, or A. R. P. rehearsal, is to be held here, and the authorities have decided not to start operations until the London cinemas are empty. The black-out will begin at 12.30 a.m.

Provincial cinemas have already had an A. R. P. black-out, and more than one area has been forced to complain that it was held at a time during which the cinemas are normally operating and thus caused a serious loss of trade.

Metro-Goldwyn-Mayer will build new premises in London on a site in Shaftesbury Avenue, W. It will be ready for occupation in June, 1940, and will cover 50,000 feet of floor space on eight floors. There will be a theatre seating 400.

From Germany, in 1938, the British film industry received 562,000 feet of positive film valued at £5,075; and 77,000 feet of negative film valued at £1,871.

Following the London County Council's refusal to grant a license to the Savoy Hotel for a news cinema, Grosvenor House, leading London hotel, has decided to drop its cinema license. The decision comes probably as a result of the London County Council Entertainment Committee's unwillingness to renew licenses previously given hotels for film shows.

Meanwhile considerable tightening up of the law applying to hotel screenings is foreshadowed in London.

Indicate Loop Film Sales To Be Slow Until Late Fall

By WILLIAM A. CROUCH

CHICAGO, Aug. 9.—Despite the closing of deals for product with 20th Century-Fox by B. & K. and Great States, film sales here will be very light until late this fall, according to present indications. Chicago's independent exhibitors will refrain from making deals until the last possible moment, it is believed, with the hope that the law suits filed against the major companies and B. & K. by the Government and the independents will be settled and perhaps afford some benefits to exhibitors.

Sam Herman, promoter of the Jitterbug contests at the B. & K. State-Lake, has stopped the contests at the request of city officials. They decided the contests were run on a chance basis and Herman rather than fight the case in court, has dropped the performances.

Representative Sandquist, author of the bill passed by the state legislature and vetoed by the Governor, which called for limiting the running time of film shows to two hours and 15 minutes, is en route to Hollywood with his family. While there he plans to interview motion picture executives who are interested in halting double features.

Rudy Vallee, before leaving here last week, said that his plans for a six-month layoff between radio shows could not be carried out. He said that he might get two months off before starting another show, which, it is reported, will originate in Hollywood and be sponsored by a tobacco firm. Vallee expects to visit South America before returning to the airlanes after his final show for Standard Brands on Sept. 28.

Deals for turning of the Erlanger into a film theatre on a grind policy will be delayed until it is learned what stage plays will be available to Chicago this season. The Erlanger is one of the oldest legitimate theatres in Chicago.

Depositions in the suit of Frank Ford vs B. & K. and the major companies will not be taken until Federal Judge Wilkerson returns from his vacation late this month. The judge will rule on a motion to quash the depositions sought by Lewis Jacobson, attorney for Ford, from circuit and exchange officials here.

RKO expects to have a new exchange building in Chicago within the next year, it was learned this week following conferences between exchange officials and several local architects who are submitting plans for the new building.

Best news local exhibitors have had in weeks is the reopening of the RKO-Palace after six weeks of darkness. Opening of this theatre will bring about more releases in the Loop which makes more product available for subsequent runs.

Chicago film critics and reporters have folded up the "Welcome" sign for Errol Flynn, Warner star who came here last week for a radio broadcast over CBS. Flynn, met at the airport by photographers, refused to take off his dark colored glasses for pictures and was very curt with reporters who met him there.

Eddie Solomon and Ed Seguin won special prizes of $50 each in the John Balaban Drive recently completed by B. & K. theatre managers. Both Ed's are in the publicity department.

'Chips' Montreal's Lead With $8,000

MONTREAL, Aug. 9.—"Goodbye, Mr. Chips" was outstanding at Loew's with $8,000 for its second week.

Estimated takings for the week ending Aug. 4:

"Unexpected Father" (Univ.)
"The Forgotten Woman" (Univ.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $4,000. (Average, $8,000)
"Goodbye, Mr. Chips" (M-G-M
LOEW'S—(2,800) (30c-40c-60c) 7 days. Gross: $8,000. 2nd week. (Average, $8,000)
"Winter Carnival" (U. A.)
"The Girl and the Gambler" (RKO)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $3,800. (Average, $5,000)
"On Borrowed Time" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $6,500. (Average, $11,000)
"Career" (RKO)
"The Saint Strikes Back" (RKO)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $3,000. (Average, $6,500)

Kansas City's Heat Damages Grosses

KANSAS CITY, Aug. 9.—Heat hurt business here. "Unexpected Father" grossed $5,000 at the Esquire and Uptown, combined, and "The Man in the Iron Mask" and "Blondie Takes a Vacation" garnered $8,600 at Loew's Midland.

Estimated takings for the week ending Aug. 1-3:

"Unexpected Father" (Univ.)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $2,200. (Average, $3,000)
"Man in the Iron Mask" (U.A.)
"Bondie Takes a Vacation" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $8,600. (Average, $11,500)
"Daughters Courageous" (W. B.)
NEWMAN—(1,900) (25c-40c) 7 days, 2nd week. Gross: $4,200. (Average, $7,000)
"Unexpected Father" (Univ.)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $2,800. (Average, $3,500)

'Hardy' at $13,500 In Pittsburgh Heat

PITTSBURGH, Aug. 9.—Downtown box-offices held up under hot weather, with Loew's Penn drawing $13,500 for "Andy Hardy Gets Spring Fever," in its second week.

Estimated takings for the week ending Aug. 3:

"Blondie Takes a Vacation" (Col.)
ALVIN—(1,900) (25c-35c-50c) 5 days. Gross: $3,700. (Average, 7 days, $7,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days, 2nd week. Gross: $13,500. (Average, $15,000)
"Bachelor Father" (RKO)
STANLEY—(3,600) (25c-35c-50c) 7 days. Gross: $15,000. (Average with stage show, $17,000)
"Career" (RKO)
"Some Like It Hot" (Para.)
WARNER—(2,000) (25c-40c) 7 days. Gross: $4,000. (Average, $4,500)

Theatre, Personnel Notes

Seeks Open-Air House Permit

MIDDLETOWN, Conn., Aug. 9.—Salvatore Adorno, former partner in operation of the Capitol, Middlesex and Palace, here, now leased by Morris Pouzzner, has obtained a permit to operate a 300-seat open-air theatre in the rear of the Middlesex, provided three new rights of way are secured, concrete posts removed to make way for additional seats and certain fire department regulations carried out.

To Show Foreign Films in Cleveland

CLEVELAND, Aug. 9. — The Penn Square, which has been dark for the past few months will reopen early in September with a new foreign films policy. The City, which operated as the foreign film house in Cleveland last season under the Herbert Rosner chain, has been closed and will not reopen this fall.

The Penn Square has been completely redecorated and will be operated under the direction of Ralph Rose and Harry Amber.

Installs Cooling System

PROVIDENCE, Aug. 9.—An air cooling system has been installed in the Bijou, downtown subsequent run operated by Associated Theatres.

To Reopen Albee

PROVIDENCE, Aug. 9.—Harry MacDonald, district manager for RKO in New England, plans to reopen the RKO Albee here Aug. 17. House has been closed for the summer. MacDonald has not announced who will manage the Albee.

Acquires Two in Middletown, Pa.

HARRISBURG, Aug. 9.—Two theatres were added yesterday to the independent circuit of H. Chertcoff, Lancaster. They are the Elks and Majestic in Middletown, acquired from Aaron Palmer, who had owned and operated them for many years. Chertcoff also operates two theatres in Steelton and one each in Lemoyne, Mt. Joy, Elizabethtown, Lebanon, Lititz and Lancaster. He said he will spend $25,000 improving each of his newly acquired Middletown theatres. Purchase price was not disclosed.

Harrisburg Suburban Changes

HARRISBURG, Aug. 9.—The Paxtang in Paxtang, a suburb of Harrisburg, was sold today by Gottdiener, Cohn and Gottdiener, of Johnstown, to Roy V. Osman, of Harrisburg. The theatre was built in 1936 by the Hill Amusement Co., which operated it until June, 1938, when the Johnstown interests bought it. The house seats 500.

Tivoli Being Demolished

DENVER, Aug. 9.—With the demolishing of the Tivoli theatre, one of the oldest in the city, 1,800 seats will be taken off the theatre market in Denver. A Curtis St. house, it was formerly called the Paris, but has now been closed for some time. The theatre is being torn down to make way for a parking lot.

OZ

READY! SET! GO!—This industry is talking about nothing else but the greatness of M-G-M's "THE WIZARD OF OZ". The preview confirmed advance reports that it is one of the biggest box-office sensations of all time. 400 happy theatres are about to play it in the largest simultaneous booking of film history. M-G-M has set the stage. The American public is waiting!

$250,000 CAMPAIGN!

NATIONAL MAGAZINES

Full-page, full color ads

MAGAZINE	*ON SALE*
WOMAN'S HOME COMPANION	Aug. 5
LADIES' HOME JOURNAL	Aug. 9
McCALL'S	Aug 10
AMERICAN	Aug. 5
REDBOOK	Aug. 5
COSMOPOLITAN	Aug. 1
GOOD HOUSEKEEPING	Aug. 20
PARENTS'	Aug. 15
LIFE	Aug. 25
SATURDAY EVENING POST	Aug. 23
LIBERTY	Aug. 16

JUVENILE MAGAZINES

Full-page, 2-color ads

AMERICAN BOY	Aug. 20
BOYS' LIFE	Aug. 20
AMERICAN GIRL	Aug. 28
OPEN ROAD FOR BOYS	Aug. 20

FAN MAGAZINES

2-color, 2-page spreads

SCREEN BOOK Aug. 1	MODERN SCREEN Aug. 1	SCREEN GUIDE Aug. 1
HOLLYWOOD Aug. 10	MODERN ROMANCES Aug. 1	SCREENLAND Aug. 3
MOTION PICTURE July 25	MOVIE MIRROR July 25	SILVER SCREEN Aug. 12
MOVIE STORY Aug. 1	PHOTOPLAY Aug. 10	MODERN MOVIE Aug. 1

2-page spread, 1-color

PICTURE PLAY Aug. 1	SCREEN ROMANCES Aug. 1	MOVIE LIFE Aug. 5

COMIC SUPPLEMENT ADS

Full-page 4-color ads (just like the funnies) in 29 newspaper in 21 cities!

CITY	NEWSPAPER	
ALBANY	Times-Union	Aug. 20
ATLANTA	American	Aug. 20
BALTIMORE	American	Aug. 20
	Sun	Aug. 27
BOSTON	Advertiser	Aug. 20
	Globe	Aug. 27
BUFFALO	Courier Express	Aug. 20
CHICAGO	Herald Examiner	Aug. 20
	Tribune	Aug. 27
CLEVELAND	Plain Dealer	Aug. 20
DETROIT	Times	Aug. 20
	News	Aug. 27
LOS ANGELES	Examiner	Aug. 20
MILWAUKEE	Journal	Aug. 27
	News Sentinel	Aug. 20
NEW YORK CITY	Journal-Amer.	Aug. 20
	News	Aug. 27
PHILADELPHIA	Inquirer	Aug. 20
PITTSBURGH	Press	Aug. 27
	Sun Telegraph	Aug. 20
PROVIDENCE	Journal Bulletin	Aug. 20
ROCHESTER	Dem.-Chronicle	Aug. 20
SAN ANTONIO	Light	Aug. 20
SAN FRANCISCO	Examiner	Aug. 20
SEATTLE	Post Intelligencer	Aug. 20
ST. LOUIS	Post Dispatch	Aug. 20
SYRACUSE	American	Aug. 20
WASHINGTON	Star	Aug. 27
	Times Herald	Aug. 20

NATION-WIDE TEASER ADS

100-line insertions have been running for months in 99 newspapers in 43 cities radiating national coverage

ALBANY · ATLANTA · BALTIMORE
BOSTON · BRIDGEPORT · BUFFALO
CHARLOTTE · CINCINNATI · COLUMBUS
DALLAS · DAYTON · DENVER
DES MOINES · EVANSVILLE
HARRISBURG · HARTFORD · HOUSTON
INDIANAPOLIS · MILWAUKEE
MINNEAPOLIS · NASHVILLE
NEW HAVEN · OAKLAND · OMAHA
OKLAHOMA CITY · PHILADELPHIA
PITTSBURGH · PORTLAND
PROVIDENCE · ROCHESTER · ST. LOUIS
ST. PAUL · SALT LAKE CITY
SAN ANTONIO · SEATTLE
SPRINGFIELD · SYRACUSE · TULSA
WASHINGTON, D. C. · WATERBURY
WILMINGTON · WORCESTER

RECORD PUBLICITY RESULTS

Never such a barrage of pre-release publicity as that which greets "The Wizard of Oz"! Just a fraction of it listed below!

Most of publications mentioned hereunder will be on sale during July, August or September. List incomplete

COSMOPOLITAN: Story in the August issue, entitled "Hollywood Discovers We Never Grow Up," by Florence Ryerson and Edgar Allan Woolf; illustrated by stills from the production.

GOOD HOUSEKEEPING: General production story by Jane Hall, illustrated by production stills. "The Wizard of Oz."

LIFE: Two-page spread in color, using our kodachrome production stills, in issue dated July 17th. "Dazzling Brilliance Marks M-G-M's Color Version of 'The Wizard of Oz'."

VOGUE: Full color page, using one of our kodachromes.

RED BOOK: Has selected THE WIZARD OF OZ as "Picture of the Month"; will use a layout of kodachromes from the production.

AMERICAN: Using our kodachromes.

COUNTRY GENTLEMAN: Stills of Judy Garland and Billie Burke from the production.

LOOK: Layout.

GLAMOUR: Layout and stills.

McCALL'S: Layout

TOWN AND COUNTRY: Layout.

NEWSPAPERS, out of town, which use ROTOGRAVURE: Full page layouts.

TRIBUNAL, OPEN ROAD FOR BOYS, INSTRUCTOR, GRADE TEACHER, SCHOLASTIC, BOYS' LIFE, AMERICAN BOY, YOUNG AMERICA, CATHOLIC BOY, PARENTS': Story material and layouts for August and September breaks.

NORTH AMERICAN NEWSPAPER ALLIANCE (serving 100 newspapers, including 50 large metropolitan dailies); Victor Fleming life story installment with art, to break simultaneously with our play dates.

BOYS' LIFE: Layout "Movies of the Month."

FAWCETT PUBLICATIONS, including HOLLYWOOD, MOTION PICTURE, SCREEN BOOK, MOVIE STORY: Layouts and production stories.

PHOTOPLAY: Several pages of layout and a production story by Dixie Willson. "The Wizardry of Oz."

PICTURE PLAY: Double-page layout.

MOVIE MIRROR: "It's All a Dream!"

SCREEN GUIDE: Double-page layout in color, using our kodachromes.

MODERN SCREEN: Layout.

SCREEN ROMANCES: August cover and fictionization. "Wizard of Oz."

SCREENLAND: Layouts. "Judy's Crushes" by May Mann

SILVER SCREEN: Layouts. "Marvels of Make-up."

MODERN MOVIES: Production story and layouts.

MOVIE LIFE: Cover and life story of Judy Garland. "Movie Life of Judy Garland."

PIC: Layout. "The Top Ten—Why."

HOLLYWOOD: On "The Wizard of Oz" set.

SCREEN BOOK: "This Dream Cost $3,000,000."

FAMILY CIRCLE: "The Wizard of Oz"—Dudley Early.

MOVIES: "Hollywood finds the Wizard."

SUNDAY MIRROR (N. Y.): Magazine Section. Front Cover, August 20, 1939.

M-G-M's Technicolor Wonder Show "THE WIZARD OF OZ" with Judy Garland · Frank Morgan · Ray Bolger Bert Lahr · Jack Haley · Billie Burke · Margaret Hamilton · Charley Grapewin and The Munchkins A VICTOR FLEMING Production · Screen Play by Noel Langley, Florence Ryerson and Edgar Allan Woolf · Music and Lyrics by Harold Arlen and E. Y. Harburg · From the Book by L. Frank Baum · Directed by Victor Fleming · Produced by MERVYN LeROY



MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
July 7		On Borrowed Time *Lionel Barrymore Hardwicke* (G) (D)		Man About Town *Jack Benny Dorothy Lamour* (G) (C)	Mickey, the Kid *Bruce Cabot*	Career *Anne Shirley Edward Ellis*	Mr. Moto Takes a Vacation *Peter Lorre Schildkraut*		Forgotten Woman *Sigrid Gurie*	Naughty But Nice *Dick Powell*
July 14	A Woman Is the Judge *Rochelle Hudson*	They All Come Out *Rita Johnson*		Million Dollar Legs *Betty Grable Jackie Coogan* (G) (C)	She Married a Cop *Phil Regan Jean Parker*	Of Human Bondage The Lost Squadron (reissues)	Second Fiddle *Henie Power Vallee*		Unexpected Father *Baby Sandy Mischa Auer*	Waterfront *Gloria Dickson* Hell's Kitchen (G) (D)
July 21	Blondie Takes a Vacation (G) (C) The Man from Sundown	Andy Hardy Gets Spring Fever *Rooney Lewis Stone*	Man from Texas (O) *Tex Ritter*	Magnificent Fraud *Akim Tamiroff Lloyd Nolan* (A) (D)		Way Down South *Bobby Breen Alan Mowbray*	News Is Made at Night *Preston Foster* Ware Case *Clive Brook*		I Stole a Million *George Raft Claire Trevor* (G) (D)	Daughters Courageous *John Garfield Priscilla Lane* (G) (D)
July 28	Behind Prison Gates *Brian Donlevy Jacqueline Wells*	Goodbye, Mr. Chips *Robert Donat* (G) (D)		Island of Lost Men *Anna May Wong Truex* (G) (D)	Should Husbands Work? *Three Gleasons*	The Spellbinder *Lee Tracy Barbara Read* (G) (D)	Frontier Marshal *Randolph Scott Binnie Barnes* (O)	Winter Carnival *Ann Sheridan Richard Carlson* (G) (C)		Cowboy Quarterback *Bert Wheeler Marie Wilson Gloria Dickson*
Aug. 4	Coast Guard *Randolph Scott Ralph Bellamy Frances Dee*	Miracles for Sale *Robert Young Florence Rice* (G) (D)	Mr. Wong in Chinatown *Boris Karloff* (G) (D)	Night Work *Mary Boland Charlie Ruggles*	Colorado Sunset (O) *Gene Autry Smiley Burnette*	Bachelor Mother *Ginger Rogers David Niven* (A) (C)	Elsa Maxwell's Hotel for Women *Ann Sothern*	Four Feathers *Ralph Richardson Aubrey Smith* (G) (D)		Indianapolis Speedway *Ann Sheridan Pat O'Brien* (G) (D)
Aug. 11		Lady of the Tropics *Hedy Lamarr Robert Taylor*	Girl from Rio *Movita Warren Hull*	Our Leading Citizen *Bob Burns Susan Hayward* (G) (D)	New Frontier (O) *John Wayne Ray Corrigan*	Bad Lands *Robert Barrat Noah Beery, Jr.*	Chicken Wagon Family *Jane Withers Leo Carrillo Marjorie Weaver*	Man in the Iron Mask *Joan Bennett Louis Hayward* (G) (D)	When Tomorrow Comes *Charles Boyer Irene Dunne*	Playing with Dynamite *Jane Wyman Allen Jenkins*
Aug. 18	The Man They Could Not Hang *Boris Karloff Roger Pryor*	These Glamour Girls *Lew Ayres Lana Turner Tom Brown*	Irish Luck *Frankie Darro* Riders of the Frontier	This Man Is News *Barry K. Barnes* Renegade Trail	In Old Monterey (O) *Gene Autry Smiley Burnette*	In Name Only *Carole Lombard Cary Grant Kay Francis* (G) (D)	Stanley and Livingstone *Spencer Tracy Nancy Kelly* (G) (D)	They Shall Have Music *Jascha Heifetz Andrea Leeds* (G) (D)		Each Dawn I Die *James Cagney George Raft* (G) (D)
Aug. 25	Five Little Peppers and How They Grew Riders of Black River	Wizard of Oz *Judy Garland Frank Morgan Bert Lahr*	Oklahoma Terror *Jack Randall* (O)	Star Maker *Bing Crosby Louise Campbell*	Smuggled Cargo *Rochelle Hudson Barry MacKay*		Jones Family in Quick Millions *Jed Prouty*		First Love *Deanna Durbin Eugene Pallette*	The Angels Wash Their Faces *Dead End Kids* Hobby Family *Irene Rich*
Sept. 1	Konga the Wild Stallion *Fred Stone Rochelle Hudson*	The Women *Norma Shearer Joan Crawford Rosalind Russell*		Death of a Champion *Lynne Overman Robert Paige*	Flight at Midnight *Phil Regan Col. Roscoe Turner Jean Parker*	Nurse Edith Cavell *Anna Neagle Edna May Oliver*	Adventures of Sherlock Holmes *Basil Rathbone Ida Lupino*		The Underpup *Nan Grey* Mutiny on the Blackhawk *Richard Arlen* (G) (D)	The Old Maid *Bette Davis Miriam Hopkins* (G) (D)
Sept. 8	Golden Boy *Barbara Stanwyck Adolphe Menjou William Holden*	Henry Goes Arizona *Frank Morgan Ann Morriss*		World on Parade *William Henry Judith Barrett*		Conspiracy *Allan Lane* Fighting Gringo *George O'Brien*	Charlie Chan at Treasure Island *Sidney Toler Cesar Romero*		Bad Company *Jackie Cooper Freddie Bartholomew* Desperate Trails (O)	Nancy Drew and the Hidden Staircase *Bonita Granville Frankie Thomas*

Paramount Pictures

Book these PARAMOUNT SHORTS when you book your features!

AUGUST 4 — POPULAR SCIENCE #6 — Cinecolor

AUGUST 11 — Betty Boop Cartoon — YIP-YIP-YIPPY

AUGUST 18 — SWEET MOMENTS — Russ Morgan and Orchestra

AUGUST 25 — BREAKING THE NEWS — Paramount Paragraphic

100% BOX OFFICE tested

'Iron Mask' Coast Winner With $28,500

Los Angeles, Aug. 9.—"The Man in the Iron Mask" and "You Can't Get Away with Murder" at the Warner Hollywood and Warner Downtown showed the way with a total of $28,500, taking $14,300 at the former and $14,200 at the latter. "Bachelor Mother" and "Parents on Trial" drew $10,300 at the Pantages.

Estimated takings for the week ending Aug. 9:

"Frontier Marshal" (20th-Fox)
"Miracles for Sale" (M-G-M)
CHINESE — (2,500) (30c-$1.00) 7 days. Gross: $11,900. (Average, $12,500)
"On Borrowed Time" (M-G-M)
4 STAR—(900) (40c-50c) 7 days, 3rd week. Gross: $5,600. (Average, $3,250)
"Bachelor Mother" (RKO)
"A Woman is the Judge" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days, 2nd week. Gross: $9,500. (Average, $6,500)
"Frontier Marshal" (20th-Fox)
"Miracles for Sale" (M-G-M)
LOEW'S STATE—(2,500) (30c-$1.00) 7 days. Gross: $14,100. (Average, $14,000)
"Bachelor Mother" (RKO)
"Parents On Trial" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days, 2nd week. Gross: $10,300. Average, $7,000)
"Man About Town" (Para.)
"The Magnificent Fraud" (Para.)
PARAMOUNT—(3,595) (30c-65c) 5 days, 4th week. Gross: $8,200. (Average, $15,000)
"The Man in the Iron Mask" U. A.)
"You Can't Get Away With Murder" (W. B.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days. Gross: $14,300. (Average, $14,000)
"The Man in the Iron Mask" U. A.)
"You Can't Get Away With Murder" (W. B.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days. Gross: $14,200. (Average, $12,000)

Warners Plan Two Big British Pictures

Production of two or three big pictures in England in addition to the smaller quota credit films is under consideration by Warners.

If the company decides to make them, their production will follow the same method which M-G-M used on "Goodbye, Mr. Chips," "The Citadel" and "A Yank at Oxford," with Hollywood talent and directors going to the Teddington studios and the scripts prepared at Burbank.

The plan will be discussed by Harry M. Warner, president of Warners, with Sam Sax, British production head. Warner sailed yesterday on the *Queen Mary*. He expects to be gone about three weeks.

Max Milder, Warners managing director in Great Britain, sailed on the same ship after visiting in New York and Hollywood five weeks.

Another passenger was Max Gumpel, general manager of Denham Laboratories, who is returning to London after a visit here.

N. H. Outing Today

New Haven, Aug. 9.—The annual film district outing will be held Thursday at the Rustic Inn, Lake Quonnipaug. Morris Joseph will award 25 prizes for sports events. Homer C. Downey heads the committee in charge, assisted by Jack Mullen, George Weber, Jerry Massimo, Irving Cooper, Peter Canelli, Katherine Fitzgerald, Katherine Higgins and Freda Kogan.

Heat Got 'Em

RKO's home office succumbed to the heat yesterday afternoon, and closed at 3 o'clock. Warners closed at 4:30. They were the only home offices to do so, however, with 20th Century-Fox, Columbia, United Artists and M-G-M enjoying partial or complete air conditioning.

TMAT Strike to Hit Springfield Houses

Motion Picture Division of Theatrical Managers, Agents and Treasurers Union voted to strike today at three Edward Goldstein houses in Springfield, Mass. The strike vote was taken at a meeting which ended early yesterday. Houses affected are the Paramount, Arcade and Broadway.

Harry Mirsky, member of the executive board, left last night to aid the strikers. Discharge of union members was given as the reason for the strike.

Picketing at the Vogue, Bronx, is continuing. The house was reopened last night after alterations were completed.

Press agents and some of the managers in the legitimate stage field met in a caucus meeting at the Capitol Hotel last night to prepare for tonight's meeting which will decide whether a referendum shall be sent to the membership on the question of affiliation with the I.A.T.S.E.

Free Films Hurting Wisconsin Houses

Milwaukee, Aug. 9.—What with outdoor amusement parks, resorts and even dairy and ice cream stands showing free films, Wisconsin exhibitors are searching for some means of controlling the 16 mm. films which are being shown in these various spots.

While producers and distributors claim they have no jurisdiction over these films, state exhibitors in resort territories are taking a bad licking in business because of competition from them.

One exhibitor operating theatres in a town of 5,000 population reports at least seven resorts and parks in his area showing free films and attracting as many as 25,000 persons. Competition from jackrabbit operators in Wisconsin has always been bad but this added opposition presents a serious problem for exhibitors.

Approve Sunday Films

Albany, Aug. 9.—The Rensselaer Common Council has legalized Sunday films in the city under a new ordinance. The move is designed to allow the people to attend pictures in Rensselaer rather than journeying on Sundays to Albany or Troy. Lone theatre in Rensselaer is the Bright Spot, operated by Herbert Gardner.

De Palma Forms Firm

Albany, Aug. 9.—Ralph DePalma Corp. has been licensed with 1000 shares of stock to conduct a motion picture and theatrical business. Directors are Ralph DePalma, John B. Mezey and Walter Van B. Claussen, New York.

Bondy Seeks SEC Views On Atlas Plan

(*Continued from page* 1)

tified yesterday that the proposal was a "fair" one.

Leib was asked by the court whether in his opinion there had been any opportunity for manipulation of RKO stock to keep the price at a low level. He replied that there may have been but that he doubted it.

N. Peter Rathvon, member of the new RKO board, also testified as at an earlier hearing, in favor of the proposal. Urging the need of working cash for the new RKO company, he stated that its production budget for new product would aggregate more than $15,000,000.

Objections to the Atlas offer were made by Myron Kommel, representing H. Cassell & Co.; by John S. Stover, H. B. Spring and Russell McKirk of Farley & Co., all of whom are creditors of RKO's.

H. C. Rickaby, attorney for Atlas, withdrew a statement he had made at an earlier hearing on the underwriting proposal, to the effect that Floyd B. Odlum, Atlas head, would accept "any price" Judge Bondy set as the value of the stock for underwriting purposes. Rickaby said he was "in error" in making the statement originally.

Assets of 90 Million Reported by ABPC

London, Aug. 9.—Associated British Pictures Corp., headed by John Maxwell, has assets of approximately $90,000,000, Maxwell reported today at the annual meeting of the company. Maxwell welcomed the evidence of revived British production.

An additional $20,000,000 was credited to reserves and undistributed profit balances. The general reserve was set at about $14,275,000. A final dividend of 20 per cent was declared.

G. B. Meeting Today Arouses Speculation

London, Aug. 9.—There is considerable trade interest in tomorrow's annual meeting of Gaumont British. It is expected that the Ostrer Brothers will be questioned on production, relative to company losses in the past. It is also considered likely that the stockholders may question the board of directors on their attitude toward the current Board of Trade investigation of Gaumont British affairs.

'U' Chiefs to Coast

Charles Prutzman, vice-president and general counsel of Universal, will leave for the studio by train today for a visit of about two weeks. He will be accompanied by his family. J. Cheever Cowdin, board chairman, will leave by plane for the Coast today.

Mrs. Blanche Sears Dies

Alhambra, Cal., Aug. 9. — Mrs. Blanche Ethel Sears, who with her husband, Benjamin, formed the early radio team of "Grandpa and Grandma" Sears, died here at the age of 68. They retired last year after 15 years on the air.

Perfectly Timed

Cincinnati, Aug. 9.—An audience at Keith's late last week witnessed a bit of realism not on the program. It furnished an example of perfect timing.

Precisely at the moment that the picture director's platform fell in a sequence of "Quiet, Please," a short subject, the house curtain and fittings crashed to the stage.

'Hardy' at $15,400 Wins Buffalo Lead

Buffalo, Aug. 9.—"Andy Hardy Gets Spring Fever" hit a good $15,400 at the Buffalo in a better than average week. "The Man in the Iron Mask" clipped $8,800 at the Great Lakes.

Estimated takings for the week ending Aug. 5:

"Andy Hardy Gets Spring Fever" (M-G-M)
BUFFALO—(3,000) (30c-55c) 7 days. Gross: $15,400. (Avesrage, $12,000)
"The Man in the Iron Mask" (U. A.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $8,800. (Average, $7,500)
"Indianapolis Speedway" (W. B.)
"Bulldog Drummond's Bride" (Para.)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $4,500. (Average, $6,800)
"Boys' Reformatory" (Col.)
"Hurricane" (U. A.)
CENTURY—(3,000) (15c-25c) 7 days. Gross: $4,200. (Average, $5,200)
"Blondie Takes a Vacation" (Col.)
"The Street of Missing Men" (Rep.)
LAFAYETTE—(3,300) (25c) 7 days. Gross: $4,500. (Average, $6,300)

Mexico City Ruling Won by 'Juarez'

Mexico City, Aug. 9.—Warners have won a temporary injunction against the order of the Federal prosecutor to the Municipal Government, forbidding the exhibition of "Juarez." The order followed a complaint against the film to the prosecutor.

The injunction assures the exhibition of the film here indefinitely. Warners' local representatives won the injunction with the argument that they are merely the agents handling the imported product and have had nothing to do with the film's production. The action boomed "Juarez" locally, attracting 8,000 patrons yesterday to the Cine Orfeon, where the picture currently is establishing a house record.

Delay Buzzell Hearing

Los Angeles, Aug. 9.—On request of respondent's counsel, the hearing of contempt charges against J. W. Buzzell, Central Labor Council executive secretary, John Gatelee and five other I. A. T. S. E. officials has been postponed until Monday by Superior Judge Henry Willis. The charges grew out of alleged violation of a court order restraining the defendants from breaking up Local 37 of the I. A. T. S. E.

Knox Denies Fox Plea

Federal Judge Knox yesterday denied the application of the Trust Co. of Georgia for the appointment of a temporary receiver for Fox Theatres Corp. and for an injunction restraining Milton C. Weisman and Kenneth P. Stenreich from carrying on transactions as trustees of the Fox theatres. Judge Knox said the court had no jurisdiction over the matter.

Coast Actors Arrive; Seek A Showdown

(Continued from page 1)

been "misunderstood" by Coast newspapermen who reported that he had said the S.A.G. would strike in the event of an adverse decision.

Speaking in a personal capacity, Morgan stated that he would favor an immediate severance from the A. F. of L. if the council rules against the 4-A. "However," Morgan continued, "we are fighting our battle within the A. F. of L. at present."

Thomson disclosed that he had received assurances from the Los Angeles local of the American Federation of Musicians that it would remain neutral in the event of a fight. Whether the A. F. of M. itself would take a similar stand it not known, but it is regarded as likely that the musicians will back the I.A.

A large delegation of actors will go to Atlantic City today, some by plane and another contingent by train. They will make their headquarters at the Traymore Hotel.

Present plans are to have Frank Gillmore, 4-A president, make the first speech, to be followed by Thomson, Lawrence Tibbett, president of American Guild of Musical Artists, Morgan, Tallulah Bankhead, member of Actors Equity, and Jean Ashley, formerly a member of American Federation of Actors and now with the American Guild of Variety Artists.

Others who will attend are Miriam Hopkins, Peggy Wood, Binnie Barnes, Edward Arnold, Wayne Morris, Jean Muir, Lucille Gleason, Henry Hull, Mischa Auer, Maida Reade, A.G.V.A. executive secretary; Emily Holt, American Federation of Radio Artists executive secretary; Leo Fischer, A.G.N.A. executive secretary; Henry Jaffe, counsel for several actor unions; Florence Marston, S.A.G. Eastern representative, and Edward Harrison.

Others who will follow by train will be Fredric March, Paul Dullzell, Equity executive secretary, Paul N. Turner, 4-A counsel, and a group of rank and file members of A.G.V.A.

Fox Midwest Men Meet on Tuesday

(Continued from page 1)

west, is in charge of the meeting. Fred Souttar, St. Louis district manager, will preside. Other speakers will be Senn Lawler, director of publicity and advertising; Lon Cox, Kansas City district manager and film buyer; H. E. Jameyson, district manager at Wichita; L. E. Pope, purchasing agent, and Lou Honig, in charge of real estate.

Loew's, Inc., Obtains Loan of $15,000,000

(Continued from page 1)

Sept. 15 the outstanding first lien 6 per cent gold bonds of Loew's Theatre & Realty Corp. due in 1946.

Interest rates on the entire $15,000,000 new financing will not materially exceed the current interest charges on the $7,000,000 of the bonds to be retired.

New York Preview

"The Wizard of Oz"

(M-G-M)

"The Wizard of Oz" is of the essence of screen entertainment that lives for a long time. It probably will prove to be a popular revival at appropriate seasons. Based on the L. Frank Baum fable that is famous wherever English is spoken, the film version has been given lavish treatment by Mervyn Leroy, producer, and impeccable direction by Victor Fleming.

Its great virtue is that old timers will want to see it because of their recollection of the book and stage production, the present generation will be attracted to it because of the novelty and the youngsters will eat it up as they would a peppermint stick.

With the steam of a strong exploitation-merchandising campaign by M-G-M, the picture undoubtedly will do top business in many situations. The generous staging and opulent investiture, the brilliance of spectacle, the fame of the film's predecessors in print and on the stage, the performance of the cast, the production trickery and the excellent color are elements that should make "The Wizard of Oz" a box-office attraction of major importance.

Weakness is apparent in the whimsy itself. Dating from the year 1900, it may or may not appeal to sophisticated adults in the year 1939. Valiant attempts have been made to inject a modern note, and while in itself it clicks tremendously, in the surroundings it appears quite out of place.

Bert Lahr as the Cowardly Lion turns in the No. 1 performance. He is a Wizard of Spoof in a Land of Spoofery and plays the part to perfection. Ray Bolger as the Scarecrow is outstanding, and Jack Haley, the Tin Woodman, is properly appealing. Only Judy Garland, the Dorothy of the fairy tale, plays a straight role. The others emote with tongue in cheek.

The well-remembered tale relates what happens to Dorothy, child of a Kansas farmer, when she is caught up in a cyclone and her osmosis into the Land of Oz that Never Was where her friends and acquaintances, good and bad, become witches and other strange figments of delirium. The motivation is inspired by Dorothy's persecution by a rural "witch" who has designs on her dog and Dorothy's desire to escape by running away from home.

The characters' misadventures are hilarious at times, and there is a suspicion of an attempt at social satire, burlesquing human foibles. But it's the drollery and spectacle that count.

Miss Garland plays the starry-eyed Dorothy as she should be played and Frank Morgan is heart-warming as the medicine show faker and Wizard of Oz. Then there are Billie Burke as the Good Witch, Margaret Hamilton as the Wicked Witch, Charley Grapewin, Pat Walshe, Clara Blandick, the Singer Midgets as the Munchkins, and last but not least Toto the dog. Toto is a grand actor. The makeup job calls for a special award.

The music and production numbers are well integrated with the fantasy. Herbert Stothart handled the musical adaptation, E. Y. Harburg the lyrics and Harold Arlen the music. Bobby Connolly staged the musical numbers. Harold Rosson was skillful with the camera. Noel Langley, Florence Ryerson and Edgar Allan Woolf did the screenplay, with Langley handling the adaptation from the original book.

Running time, 101 minutes. "G."* ALFRED FINESTONE

*"G" denotes general classification.

Garland and Rooney Due in City Monday

Judy Garland and Mickey Rooney, who will make a personal appearance at the Capitol, beginning Aug. 17, were greeted by large crowds in Washington yesterday, where they made their first appearance at the Capitol Theatre there.

Joseph R. Vogel, Loew theatre executive, met the pair in Washington, and will accompany them on the balance of their eastern tour prior to the New York appearance.

They will appear in New Haven today, in Hartford tomorrow and in Bridgeport on Saturday. They will reach New York on Monday. Two hundred New York school children will be luncheon guests of the pair at the Waldorf-Astoria on Wednesday.

NLRB in Warning To Producers, IA

(Continued from page 1)

bodying terms of this agreement is being drafted. This contract, according to the board's usual practice, will necessarily be subject to the outcome of representation proceedings before the Board and now set for Aug. 16."

Another attack upon the I.A.T.S.E. agreement with producers came today from A. Brigham Rose, attorney for deposed officers of Local 37, who in letters to Pat Casey, producers' labor contact man, and Joseph M. Schenck threatened legal action to block actual signing of contracts.

He declared that he would make Labor Board charges that the producers and I.A.T.S.E. leaders are conspiring to make the Alliance a company union if the pacts go through.

AFL to Hear Actors Behind Closed Doors

(Continued from page 2)

A.F.A., and Harry Richman, vice-president, together with Judge Joseph Padway, who occupies the dual role of counsel to both the A. F. of L. and A.F.A.

Faced with the difficult problem of deciding between the I.A. and the 4-A's, the A. F. of L. executive council, it is thought in informed circles, will seek to find a compromise acceptable to both groups. However, the fate of any compromise proposal is considered questionable, at best.

OK on Charter Predicted

The executive council, it is thought here, will merely confirm the charter already issued to Miss Tucker by the I.A., confining the jurisdiction to the variety actors formerly embraced in the old A.F.A. charter. Thus a decision would be postponed while the factions fight it out.

President Green already has opened the way for such a course, by declaring the original charter issued to the 4-A's some 29 years ago was "vague" and that he had been unable to determine the extent of that jurisdiction.

Other Steps A. F. of L. May Take

Other courses open to the council include vindication of the action of the 4-A's ousting of the Whitehead group, and rebuke to the I.A. for invading another jurisdiction; granting the I.A. jurisdiction over all actors, or the appointment of a committee of the executive council to investigate the conflicting claims, a course which would tend to postpone all action for a long time. All odds appear to be in favor of a limited charter to the Tucker group within the I.A. The I.A. is believed to have a great deal more support in the executive council than has the 4-A's.

In the event of a decision against the 4-A's by the executive council, an appeal probably will be made to the convention of the A. F. of L. in the fall. The 4-A's then will be faced with the alternative of accepting the decision and remaining in the A. F. of L. or becoming an independent union with no affiliation.

'Under-Pup' to Have Premiere August 24

(Continued from page 1)

one of a series of publicity events planned during the two weeks Miss Jean will visit the East.

The plans include appearances on national radio programs, as guest of the New York World's Fair on "Gloria Jean Day" and other events. The editors and critics will be invited to witness the player's appearances during a week's stay in and about New York.

They will come to New York first from their respective cities, and go to Scranton by special train. Miss Jean will leave Hollywod about Aug. 18. She will stop off at a midwestern city for a national broadcast before arriving in New York.

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First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 29 NEW YORK, FRIDAY, AUGUST 11, 1939 TEN CENTS

U. S. to File Trust Action At Nashville

Crescent Circuit Cited; More Suits Nearing

WASHINGTON, Aug. 10.—The Department of Justice will initiate another of its theatre circuit dissolution suits tomorrow with the filing of a petition in equity in the Federal District Court for the Middle District of Tennessee against the Crescent Circuit, which is headed by Tony Sudekum, it was disclosed tonight by Assistant Attorney General Thurman Arnold.

The circuit operates 38 theatres in Tennessee, Kentucky and Alabama, and books or otherwise participates in the operation of several additional houses in Mississippi and Arkansas. Its headquarters are in Nashville, where the suit will be filed.

The petition will name as defendants the Crescent Amusement Co., Inc.; Cumberland Amusement Co., Lyric Amusement Co., Inc., New Strand Co., Strand Enterprise Corp., Rockwood Amusements, Inc., Cherokee Amusement Co., Inc., Kentucky Amusement, Inc., and Muscle Shoals Theatres, Inc., together with certain of their officers and directors, and Paramount Pictures, Paramount Film Distributing Corp., Loew's, Inc., RKO, Universal Pictures, Universal Film Exchanges, 20th Century-Fox, United Artists, Columbia Pictures, Warner Bros. and Vitagraph.

The Crescent suit is the third of a series planned by the Government. Cases already have been initiated against Griffith Amusement Co., operating in Oklahoma, Texas and New Mexico, and the Schine Circuit, operating in New York, Ohio, Kentucky, Maryland and Delaware,

(*Continued on page 8*)

J. J. Milstein Going Abroad on Clipper

J. J. Milstein, Eastern representative of Edward Small Productions, will be a passenger on the *Yankee Clipper,* leaving Port Washington tomorrow morning, en route to London. Milstein is listed as one of the first film executives to use the trans-Atlantic plane service for a regular business trip.

In London, Milstein will confer on preparations for the English premiere of "The Man in the Iron Mask," Small-United Artists production, which is scheduled to open at the Odeon, London, Sept. 4.

NLRB Removes Goldwyn, Roach From SWG Case

LOS ANGELES, Aug. 10.—A "new plan of attack" is being drafted in the N.L.R.B. case against the motion picture producers who are charged with violation of the Wagner act, it was disclosed today as the names of Samuel Goldwyn Productions, Inc., and Hal Roach Studios, Inc., were dropped from the complaint.

Goldwyn and Roach companies were named with eight other producing companies in the original complaint charging coercion and intimidation of S.W.G. members, hearing on which started earlier in the year but was continued because the producers agreed to negotiate further with the Guild.

Hearing Starts August 16

In a new complaint filed last week, N.L.R.B. dropped the names of Goldwyn and Roach because of a new plan of attack, evidence for which did not apply to the two companies, according to Alexander E. Wilson, Jr., special board attorney here from Washington to handle the hearing which starts Aug. 16.

The National Labor Board, in a communication today from Washington, gave the companies named—Universal, Selznick International, 20th Century-Fox, Loew's, Warners, RKO, Columbia and Paramount—four additional days in which to file answers to accusations. Today was to have been the deadline in the filing of replies.

Broadcasters Set For Ascap Battle

Winding up a two-day conference of the copyright committee of the National Association of Broadcasters at CBS offices, the committee yesterday appointed Sydney M. Kaye, of the law firm of Rosenberg, Goldmark & Colin, as special counsel to complete a draft of final plans for the development of new sources of music independent of American Society of Composers, Authors and Publishers. Networks and independent stations agreed on a "united front" to organize the fight against Ascap.

Kaye will present his report to the committee well in advance of the Sept. 15 date which has been set for the special convention in Chicago, and the committee will hold further meetings to consider his draft. Kaye has had experience in copyright and music publishing work and is acquainted with broadcast problems.

AFL BEGS PEACE BUT UNIONS STICK TO THEIR CLAIMS

ATLANTIC CITY, Aug. 10.—Bitterness between the I.A.T.S.E. and A.A.A.A. continued to prevail with unabated intensity here late tonight as a committee of three American Federation of Labor mediators tried to effect a peaceful settlement of the most acrimonious controversy in the entertainment world in the past two decades.

Spokesmen for both sides appeared before the A. F. of L. executive council meeting which began at 2:30 p. m. and ended five hours later. They presented their claims in the jurisdictional battle and offered evidence and argumentation to substantiate their respective contentions.

Observers generally concluded from the day's developments that the "cards are strongly stacked against the 4A's."

The 4A's, clinging tenaciously to its opinions, served notice that it wants a "decision and not mediation" from the executive council. "There is nothing to mediate," the group claimed. "Jurisdiction belongs either to us or to I.A.T.S.E."

The executive council, consisting of A. F. of L. vice-presidents, listened to leaders of both sides while dozens of prominent persons in both warring organizations sat as observers in the hot, over-crowded room.

The council appointed a sub-committee of three mediators: Matthew Woll of the Photo Engravers Union, John Coefield of the Plumbers Union, and Thomas J. Rickert of the United Garment Workers.

The mediators went into session at 8:30 and immediately began re-hearing pleas and making efforts to bring the disputants together for a peaceful, quick settlement of the issues involved.

Just prior to going into session, the mediators heard William Green, A. F. of L. president, appeal to the I.A.T.S.E. and 4A leaders to "arbitrate in a real, practical way and manifest a spirit of tolerance."

The mediators are scheduled to submit a report of their recommendations to the whole executive council early tomorrow afternoon.

Green, at a press conference following the council's meeting, rebuked

(*Continued on page 9*)

Jitters Grip Hollywood

HOLLYWOOD, Aug. 10.—All Hollywood had an aggravated case of jitters today as workers ranging from highly-paid stars to laborers on back lots awaited word from the Atlantic City meeting of the A. F. of L. executive council.

There was no serenity in the executive sector either.

Stars and featured players lingered around the Hollywood Blvd. offices of the Screen Actors Guild, awaiting word from their delegates who flew to Atlantic City to present their protests against I.A.T.S.E. "encroachment" in the actor ranks.

Back lots buzzed with speculation as to whether a strike would be called and as to its possible effect upon them.

In addition to the actors' fight on the I.A.T.S.E. granting a charter to the A.F.A., the most important item which would affect approximately 25,000 workers in Hollywood is the resolution adopted by the Los Angeles Central Labor Council asking preparations for a general film walkout to prevent the CIO from boring into studio craft lines.

J. W. Buzzell, executive secretary of the Labor Council, who went to Atlantic City to contact heads of teamsters, musicians and other internationals having locals in Hollywood, is expected to return Saturday by plane to lay before council delegates here the progress he has made on the matter.

Meanwhile, officers of A.A.A.A. unions here continued with plans for a mass meeting Sunday night at the Hollywood Legion Stadium at which time their delegates will report the action of the A. F. of L. executive council.

Adolph Menjou, appointed chairman for the session, today said: "It is vitally important that all members of A.A.A.A. unions attend this mass meeting. Actors must demonstrate whether they want to be ruled by racketeers or want to govern themselves."

Purely Personal

LEO SPITZ and JOHN BALABAN planed to Manitoba yesterday.

•

Visitors to the World's Fair from various parts of the country include: MAURICE STRELETSKY, assistant manager of the Capitol, Allston, Mass.; NATHAN LEVIN, manager of the Dudley, Roxbury, Mass.; MR. and MRS. DAVID O. PAYNE, of Lakeland, Fla.; MR. and MRS. HENRY LIPSCOMB of Lakeland; WILLIAM H. RIPPARD and daughter, Farmville, Va.; DR. J. R. WILSON, his brother, J. E. WILSON, Thomson, Ga.

•

TOM COLLINS, nephew of the late M. E. COMERFORD and an official of the Comerford circuit, has been nominated without opposition for post commander of the Koch-Conley American Legion post, the first ever to achieve such an honor.

•

TED REED, director of Paramount's "What a Life," is due in New York Monday for a short vacation. He will be accompanied by DAN HARTMAN, who wrote the film's screenplay.

•

LES PETERSON of M-G-M's studio publicity staff is traveling with MICKEY ROONEY and JUDY GARLAND on their eastern personal appearance tour.

•

ARTURO RUIZ PRATT, independent distributor of Porto Rico, and ENRIQUE DELGADO, exhibitor of Cabo Rojo, Porto Rico, are in town on business.

•

WILLIAM MURPHY of the J. Sperling Getchell agency is spending his vacation on the sands of the Long Island shores.

•

DAN DOHERTY is handling the news desk at Movietone News while JACK HANEY, assignment editor, vacations with relatives in the west.

•

DAVID BERNSTEIN, vice-president and treasurer of Loew's, and MRS. BERNSTEIN will return over the weekend from a Maine vacation.

•

HAROLD S. SMITH, operator of the Dreamland at Carson, Ia., was married recently to GLADYS PIGG of Carson.

•

DICK BRUCE, Columbia shipper in Des Moines, has left for a two-week vacation.

•

MARGARET KIPP, booker at the Cincinnati RKO division office, is on a vacation in the East.

•

CLAYTON BOND, Warner circuit's chief film buyer, is on a vacation.

•

AL GOLD, Movietone News cameraman, starts his vacation today.

•

MR. and MRS. JOHN MORONEY and JOHN, JR. are here on a holiday.

•

LOUIS B. MAYER is in Saratoga.

•

"SONNY" SCHLENGER, JOE LEE's aide at the Fabian Fox and Brooklyn Paramount Theatres, is spending his vacation at home because of the death of his father recently. TED TROST of the closed Brooklyn Strand is substituting for him.

•

E. F. BURGAN this week celebrated a quarter century in the theatre business in Kansas City when his son and partner, E. T. BURGAN, arranged a surprise dinner at the Milburn Club.

•

CHARLES COBURN, currently directing the Mohawk Drama Festival at Schenectady, appeared in Albany with the run of "Bachelor Mother," in which he has a character part.

•

SIDNEY TOLER, who replaced the late WARNER OLAND as "Charlie Chan," in the 20th Century-Fox detective story series, has been signed to a long term contract to continue in the role indefinitely.

•

ANDREW ROY, manager of Warners' Strand in Albany, has returned from Cleveland, while WILLIAM TALLMAN, his assistant, is vacationing in the Adirondacks.

•

BEN SIMONS, manager of Loew's Metropolitan, Brooklyn, sunning himself at Schroon Lake, N. Y.

•

LYNN FARNOL, United Artists advertising and publicity director, will leave the Coast by plane Sunday, returning to the home office after viewing several of the company's recently completed pictures.

•

WILLIAM A. KUNKEL, publisher of the Fort Wayne, Ind., *Journal-Gazette*, their daughter MARY ANN and son WILLIAM III, were guests at the Paramount studio yesterday.

•

O. C. DOERING, JR., of counsel to Irving Trust Co., RKO trustee, is recovering from a light attack of pneumonia at his home.

•

JOE GOETZ, assistant manager for RKO in charge of personnel in Cincinnati, is vacationing at Buckeye Lake, O.

•

LOUIS KUTLER, New York booker for 20th Century-Fox, leaves tomorrow for a week's vacation at Monticello.

•

ALLEN JOHNSON of the Butterfield circuit in Grand Rapids, Mich., is visiting here with his wife and two children.

•

RALPH GUIGLIO of Radio City Music Hall publicity staff, is vacationing in the Maine woods.

•

J. H. HOFFBERG left yesterday for a six-week business trip to Hollywood.

Insider's Outlook

By SAM SHAIN

LAST week on Broadway, of the new product, the four leading films each received the same 3½-star rating from the critic of the *N. Y. Daily News*. These pictures are "Four Feathers," "In Name Only," "Beau Geste" and "Stanley and Livingstone." All of which serve to bring up again this question of rating pictures by tricky symbols.

In Cincinnati, for instance, a critic has devised the *report card* system for rating pictures—such as *A, B, C, D*.

This star rating system began some years ago in Chicago by the *Chicago Tribune*. *Liberty* Magazine and the *N. Y. Daily News* followed.

Balaban & Katz fought this system and finally convinced the *Chicago Tribune* that it was detrimental, even unfair to the box-office. In New York, the theatres took the matter up with the *Daily News* but got nowhere. Theatre men decided to refrain from using the star rating in advertising or lobbies. Now and then, however, some independent will break the rule.

Exhibitors know that this type of rating serves only to keep the fans from reading the reviews and to rely wholly on the symbols.

THE exhibitor testimonial to Nate Blumberg again focuses attention on Universal's progress. Some of the production plans so far announced are unusual. They indicate shrewd showmanship and portend box-office results. Trade interest is high in such planned ventures as the teaming of W. C. Fields and Mae West for a film; the new juvenile discovery, Gloria Jean, and the casting of Marlene Dietrich and James Stewart in a western.

The exhibitor campaign starts off beautifully by having Spyros Skouras for chairman.

The entire setup is being planned astutely. Universal will release its 14 outstanding attractions between now and Nov. 1. That means that the company's fourth quarter is likely to prove a record breaker.

TWO film salesmen were discussing national politics the other day at the Astor. One claimed that he was informed authoritatively that the Democrats already had a 1940 presidential candidate picked, but were not revealing his identity.

"This candidate is a big man, honest and capable," spoke up the salesman, "and he has a reputation—*beyond repute.*"

FULLY recovered after an illness of almost two years duration, Duke Hickey, former trade writer and editor, and for more than a decade one of Universal's outstanding field exploiteers, has been appointed by Johnny Mednikow, in Chicago, to handle special publicity, advertising and exploitation on "When Germany Surrendered," rights to which Mednikow holds for Illinois, Michigan, Indiana and Missouri.

Purely Personal

WALTER J. HUTCHINSON, director of foreign distribution for 20th Century-Fox, leaves Sunday for the coast to see completed pictures. He will be gone a week.

•

CHARLES E. MCCARTHY, TOBY GRUEN, SIDNEY PHILLIPS, RUSSELL HOLMAN, SAM SHAIN, GEORGE SKOURAS, E. K. O'SHEA, TOM CONNORS, JOSEPH UNGER, GEORGE WELTNER, JOHN DAY, JOSEPH FRITSCH lunching at Nick's Hunting Room in the Astor yesterday.

•

DAVID NIVEN is due here by plane from the coast on Monday, following completion of his role in "Eternally Yours," WALTER WANGER film for United Artists. He plans to fly to his home in England on the first available clipper flight, for a brief stay.

•

ARTHUR NEWMAN, manager of Republic's Albany branch, returns to his office today following conferences at the home office with JACK BELLMAN, Eastern district sales manager.

•

MARTIN J. SMITH of Toledo, president of the Ohio Allied unit, left last night after conferring here on a reciprocal insurance plan for exhibitors.

•

JOSEPHINE LANGFELDER, Film Board of Trade receptionist, is vacationing in Long Island. FLORENCE ABRAMSON has returned to her desk there.

•

LOUIS NIZER, film attorney, and his wife, leave today on the *Brazil* for a honeymoon cruise to South America. The Nizers were married two weeks ago.

•

TOM GOFF is replacing JAMES CUMMINGS as Brooklyn booker for Universal while the latter is vacationing. CUMMINGS returns August 21.

•

NORMA BERNSTEIN, Movietone News booker, leaves for a brief vacation tonight.

•

GENE MURPHY of Loew's ad staff is vacationing at Fire Island.

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(Registered U. S. Patent Office)

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Los Angeles c-a-l-l-i-n-g !

"Stanley And Livingstone" premiere Chinese Theatre drew biggest crowds in three years! First full day out-grossed every picture at State and Chinese Theatres since "Alexander's Ragtime Band" and including "Jesse James" and "In Old Chicago"!

the new season's biggest news

Always from 20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Lower Quota To Be Sought For Exhibitor

LONDON, Aug. 10.—An appeal for the lowering of the exhibitors' quota is to be made by Colonel Harry Day in a question which he is to put before the Government when the House of Commons meets again in October.

Day's move is inspired by the difficulty he alleges is being experienced by independent exhibitors in obtaining British films to comply with the Films Act.

"Four Feathers," which was previously pre-released at the Odeon, Leicester Square, has reached its 12th week in the West End, and fourth week at the Marble Arch Pavilion, where it has established the highest receipts for the theatre in five years.

A new appeal for Government finances to support the provision of projectors for schools, was made recently in the House of Commons by Sir Ernest Graham-Little.

Sir Ernest stressed the pioneer work which has been done by the industry and the setback it has received from the international situation, and suggested that an expenditure of $100,000 on additional films for schools would make the industry self supporting. He appealed to the Board of Education for a grant to facilitate the supply of films to schools, and to help them acquire apparatus.

Restriction on poster advertising, which may directly affect film theatres, is forecast by the findings of a Government advisory committee. The Minister of Transport has told the House of Commons that legislation is likely in the direction of sharper control of poster advertising.

Among the suggestions put to the Government is a tax on posters. The Committee also has been examining in detail the question of illuminated signs and advertisements.

A gesture to Britain's new Militiamen has been made by a Yeovil film patron. He has offered to pay for one admission for each of the 2,400 Militiamen in camp in the town.

A film dealing with air raid precautions, illustrating the duties of air raid wardens, has been made in Newcastle by local A. R. P. headquarters, and is to be distributed as the first of a series over a wide area.

WIRE to Open New Studios in Fall

INDIANAPOLIS, Aug. 10.—WIRE, basic NBC-Red and Mutual network outlet in this city, will construct new studios and offices. Work will start immediately on the top floor of the Claypool Hotel, and the new headquarters will be opened in the fall.

In addition, hotel auditoriums seating more than 1,500 persons will be available to the station for public broadcasts. The development will cost approximately $75,000. Plans include a large organ equipped studio, control room and three smaller studios and offices for executives, business representatives, program, traffic, announcers and news rooms.

Hollywood Preview

"Quick Millions"

(20th Century-Fox)

HOLLYWOOD, Aug. 10.—Good old-fashioned hokum comedy with the regular members of the "Jones Family" involved, of course, but with Eddie Collins and Paul Hurst occupying the funniest roles, is the entertainment and exploitation substance of "Quick Millions."

As the picture comes up on the screen, it appears that producer John Stone gave story authors Joseph Hoffman and Stanley Rauh and screenplay writers Hoffman and Buster Keaton full license to include every comic gag they could in devising the dialogue, situations and characterizations. He undoubtedly told director Malcolm St. Clair and the troupe to let the chips fall where they may as long as laughs, legitimate or nonsensical, would be the result. The lineup made good on the assignments.

As exciting and amusing as any of its predecessors, this episode is just another "Jones Family" misadventure that turns out happily. Hardly home long enough to turn around, the family, believing it has inherited a gold mine, takes off via trailer for Grand Canyon. There they encounter Collins, addled-brained lawyer, guide and good-bad man, a sort of Paul Bunyan of the desert, who immediately takes charge of the show's fun and fury. Camped in a haunted cabin to be terrorized by Horace MacMahon's bandit gang, the menage finds no gold, but pecks of trouble as Jed Prouty, suspected of being an outlaw, is jailed. But the family rallying to his rescue, traps MacMahon's mob and starts home with a $2,000 reward.

An all-family picture, "Quick Millions" should have no difficulty provoking the merriment for which it was designed.

Running time, 55 minutes. "G."* G. McC.

*"G" denotes general classification.

Poughkeepsie Radio Station Authorized

ALBANY, Aug. 6.—The Poughkeepsie Broadcasting Corp., recently issued incorporation papers by Secretary of State Michael F. Walsh to conduct a general radio broadcasting business, includes John E. Mack, who twice placed in nomination President Roosevelt from the floor of Democratic National Conventions, President Henry MacCracken of Vassar College, Richard E. Coon and Judge John B. Grubb, all of Poughkeepsie, among its sponsors.

Recent efforts of the Poughkeepsie *Star* to receive authorization for a station were rejected.

Capital stock authorized in the new concern's charter papers consists of $25,500, with 250 shares of preferred at $100 and 500 shares of common at a dollar ($1).

Stations File New Requests with F.C.C.

WASHINGTON, Aug. 10.—Application for authority to change frequency from 650 to 710 kilocycles, extend time of operation from limited to unlimited and increase power from 250 watts to 5,000 watts night, 10,000 watts day, was filed with the Federal Communications Commission today by Station KIRO, Seattle.

Other applications received at the commission included the requests of Stations KDB, Santa Barbara, Cal., for change of frequency from 1500 to 1430 kilocycles and increase power from 100 watts night, 250 watts day, to 1,000 watts; WJMS, Ironwood, Mich., for increase of power from 100 to 250 watts; and WCHV, Charlottesville, Va.; WMBC, Detroit, Mich.; WSLI, Jackson, Miss.; KCMC, Texarkana, Tex., and WTRC, Elkhart, Ind., for increase of night power from 100 to 250 watts.

NBC's Television Hours to Expand

NBC, effective Aug. 29, will increase its television broadcasts over W2XBS to a minimum of 11½ hours weekly, according to Alfred H. Morton, NBC vice-president in charge of television. The present schedule is 10 hours per week.

Under the schedule, NBC will televise one feature film every Wednesday evening, beginning Aug. 30. Studio presentations will be telecast Tuesday, Thursday and Friday evenings. Noonday telecasts will continue on the present schedule of four days a week, and outside telecasts by the NBC mobile units will be relayed over W2XBS three afternoons a week.

'Fu Manchu' Signed Over Ten Stations

Ten stations have signed to present "The Shadow of Fu Manchu," transcribed series marketed by Radio Attractions. The stations which have acquired the Sax Rohmer serial are WKBN, Youngstown; KWK, St. Louis; WHBC, Canton; KTAR, Phoenix, KVOA, Tucson; WRAK, Williamsport; KHJ, Los Angeles; WSAL, Salisbury; WIBX, Utica and KTOK, Oklahoma City.

Programs will be sponsored in Phoenix and Tucson by U. S. Tire Co.; in Williamsport by Ford Motors; in Salisbury by Nehi Bottling Co., and 7-Up, beverage, in Oklahoma City. Eno Co. is testing the program in Los Angeles.

Program on 80 Stations

Biow agency has ordered 12 additional stations for the Tuesday night Philip Morris series, increasing the network to 80 stations, effective Sept. 26. The program is broadcast over the NBC-Red network.

CBC Policy Opposes All Censorship

TORONTO, Aug. 10.—Canadian Broadcasting Corp., in an official statement of policy issued by the Board of Governors, declares flatly, "The corporation does not believe in, or practise censorship."

"The CBC is opposed to and shall resist any attempt to regiment opinion or to throttle freedom of utterance," the statement continues. The principles of freedom of expression and the airing of all opinions can best be attained, in the view of the corporation, by the CBC itself "providing time, free of charge, to competent speakers to present . . . the varying viewpoints on questions of the day. It is therefore the policy of the CBC to place on the air broadcasts by informed, authoritative and competent speakers as a contribution to the discussion of current affairs and problems."

Part of the corporation's policy is indicated by the contention that since the purchase of radio networks to broadcast opinions is not a privilege which could be shared by all, because of the expense, the CBC does not permit the sale of networks to individuals or commercial organizations for the broadcasting of opinions. "The policy necessarily applies to network programs originating outside of Canada."

Several Programs Renewed on WOR

Quaker Oats Co., sponsor of "The Man on the Farm," heard over WOR last season, will sponsor the program again this fall. Series will be conducted by Joe Bier and will be heard Saturdays at 12 noon for 13 weeks, effective Sept. 23.

Renewed for another year over WOR is the transcribed version of "The Goldbergs" serial. Series will maintain its present schedule of Mondays through Fridays at 8:45 A.M.

Manufacturers Trust Co., through McCann-Erickson, starts over WOR Sept. 17 with a Transradio program featuring Frank Singiser's commentaries; Maltex Co. starts over WOR Sept. 29 with Uncle Don's program. The Pinex Co. will begin a Transradio series with Joe Bier on Oct. 2, and Wheatena Corp. will also feature Transradio news in broadcasts presented by Vincent Connolly and Mark Hawley, starting Oct. 3.

They Have Music

KANSAS CITY, Aug. 10.—The longest program in this area is over KCMO from 11 p.m. to 1 a.m. Sponsor is Muehlebach Brewing Co., which plugs eight dealers per program. The show is built of transcribed and recorded music, played on request. It has developed about 150 request telegrams a week.

Penn Gets CBS Show

Penn Tobacco Co. yesterday signed with CBS for a half hour program over 50 stations at 7:30 Thursday evenings. Penn is now using NBC for its "Vox Pop" program and it is understood that the same program will be continued over CBS.

THE STORY OF

PRE-SELLING

Golden Boy

here's how ➡

THIS WEEK MAGAZINE

Full-color ad in This Week Magazine, with a circulation of six million, will hit every important newspaper in the country. Here is real direct-to-the-consumer merchandising, backed up by all the resources of the magazine.

THE AMERICAN WEEKLY

With a circulation of fifteen million, blanketing the country to the benefit of every exhibitor.

ADS IN ALL FAN MAGAZINES

Including: Modern Screen, Screenland, Silver Screen, Screen Romances, Hollywood Magazine, Screen Book, Motion Picture Magazine, Movie Story Magazine, Movie Mirror, Photoplay, Picture Play, Modern Movie, Movie Life, Personal Romances, Screen Guide.

NATIONAL NEWSPAPER ADS

Spotted in key cities and carefully planned to benefit every type of theatre.

SUNDAY MIRROR MAGAZINE

A full-page ad in this important medium, with a circulation that hits every part of the country.

MAGIC KEY—GOLDEN BOY BROADCAST

One of the most popular programs on the air will dedicate its program on Monday, September fourth, to "GOLDEN BOY" with one of the most unusual presentations ever conceived for a radio show.

GOLDEN BOY

starring

BARBARA STANWYCK ★ **ADOLPHE MENJOU** ★ **WILLIAM HOLDEN**

A ROUBEN MAMOULIAN PRODUCTION • Produced by WILLIAM PERLBERG

Screen play by Lewis Meltzer, Daniel Taradash, Sarah Y. Mason, Victor Heerman

Based upon the Group Theatre play by CLIFFORD ODETS

A Columbia Picture

COLUMBIA PICTURES

Kansas Builds Nine Theatres, Missouri Four

KANSAS CITY, Aug. 10.—Nine new theatres, totaling more than 4,500 seats, have been constructed since last August or are in process of construction at the present time in Kansas, and four new houses with about 2,000 seats have been built in Missouri in the same period.

This is well above the yearly average for the past five years in Kansas, and is about normal for the western half of Missouri. The yearly average for the five years ended December 31, 1938, runs slightly over six theatres or about 3,600 seats in both Kansas and western Missouri. Costs have not changed materially in that period.

Wichita, Kan., has acquired two theatres in the past few months, Harold Gibbons's 700-seater, and T. H. Slothower's 850-seat Sandra. Gus Diamond has the Vogue, 480 seats, in Salina, Kan., and will have the Roxie, 550 seats, in Eldorado, Kan., in another month.

Glen Klock built the new Klock in Fredonia, Kan., about 400 seats, which he has sold to Griffith-Dickinson Theatres, Inc. O. L. Christian is remodeling a building in Blue Mound, Kan., for a 350-seater. Ray Rezac has broken ground for a new 500-seater in the Oakland suburb of Topeka, Kan. J. E. Johnson's 300-seat Community at Gardner, Kan., was opened this year, as was D. A. Shadid's Dexter at Dexter, Kan., 400 seats.

In Missouri Commonwealth Amusement Corp. built the Boone, Columbia, 400 seats; C. E. Cook is building the Tivoli, Maryville, about 600 seats, for September opening. George Harttmann finished his 400-seat State at Mound City late last fall, and Frank Weary this spring opened his Vogue, 400 seats, at Richmond.

The average number of seats per house in the five-year period ended 1938 was slightly more than 550.

Seek to Ban Street Carnivals in Seattle

SEATTLE, Aug. 10.—An attempt to have the Seattle City Council ban all street carnivals is being made by local members of the M.P.T.O. of Washington, through Secretary James M. Hone. Hone told the council's License Committee that the carnivals are harmful to public welfare, dangerous to health, unsanitary, and permit open gambling.

At present, the city charter permits the commissioner of licenses to issue a license to any carnival upon payment of a small tariff. Robert H. Harlin, chairman of the license committee, advised Hone to have the M.P.T.O. submit a petition to the council requesting legislation against future licensing of such traveling shows.

Change Call Letters

CBS has changed the call letters of its international short-wave station, W3XAU, to WCAI, in conformance with the new ruling of the F.C.C., taking such operation out of the experimental classification.

Hollywood In Brief

HOLLYWOOD, Aug. 10.—FRED C. QUIMBY, head of the M-G-M short subjects department, got to pondering over the possible effects of the Illinois anti-dual measure the day before the governor vetoed it and checked back to see how many pictures, long and short, the studios were turning out 10 years ago, when duals weren't so ubiquitous as now. Features, he found, were produced in approximately identical number then, but the total number of shorts being produced this year is equal to only 60 per cent of the total produced then. Quimby drew his own conclusions, your reporter drew his, and now it's you readers' turn to draw your own.

Retsama Film Productions announce Aug. 15 as the starting date of "Trail Blazers," featuring GERALDINE SPRECKELS, first of a series of four-reel featurettes in Cinemachrome aimed at the double bill market. LEONARD DEAN-SMITH will act as associate producer. "Retsama was organized," says its publicity, "by a group of people, most of whom are silent partners."

HARRY STERN, branch manager and assistant district manager for United Artists in these parts for many a year, has joined I. E. Chadwick's Tri-National Films of California, importer and distributor, as general sales manager.

Warners announce plans to produce "Forgotten Eagle," described as the story of GOVERNOR JOHN PETER ALTGELD of Illinois, "a German immigrant noted for his advanced social consciousness," and folks who know their Illinois are going to look forward to that one with what is generally called keen interest.

Carpenters are busy on an addition to CLIFF LEWIS' advertising department at Paramount which will make it twice as big as it is now and give the studio advertising director elbow room in which to whip up twice as many of those broad-gauge exploitation enterprises like the BOB BURNS junket to Van Buren.

Titles—Warners have decided to call "Career Man" "Espionage Agent" instead. . . . HARRY SHERMAN has settled upon "The Ne'er Do Well" as the title of a Rex Beach story, which seems to be what the late MR. BEACH thought was appropriate for it also, and will offer ZANE GREY'S "Knights of the Range" and "Light of Western Stars" under those titles.

Universal has given columnist HEDDA HOPPER a spot in "Listen, Kids" and it's getting so people think of her first as a columnist instead of as an actress, which, in view of her long stage and screen record, is something in the nature of a victory for journalism—or is it?

Press guests of ORSON WELLES at his Brentwood retreat where he's hiding out while getting into the swing of that producer-writer-director-actor stint for RKO are told a lot about what it's going to be and asked not to tell anybody. Naturally, a lot of the press guests are telling their readers, anyway, but not this one, the spectacle of a personality in Hollywood asking not to be written about being a far too wondrous thing to violate.

HERBERT DRAKE, recently of the New York *Herald-Tribune* and now BOSWELL to WELLES, says he thinks he'll like the new job as soon as he finds out what it is—like California already.

HENRY KOSTER, now deep in a DEANNA DURBIN production, has signed a new Universal contract.

'Borrowed' $10,000 Indianapolis Lead

INDIANAPOLIS, Aug. 10.—"On Borrowed Time" and "Good Girls Go to Paris" proved a powerful combination at Loew's, with $10,000. "Bachelor Mother" and "Career" took $8,500 at the Circle.

Estimated takings for the week ending Aug. 4:

"The Magnificent Fraud" (Para.)
"Million Dollar Legs" (Para.)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $2,500. (Average, $2,500)
"Bachelor Mother" (RKO)
"Career" (RKO)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $8,500. (Average, $5,500)
"On Borrowed Time" (M-G-M)
"Good Girls Go to Paris" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $10,000. (Average, $7,000)

Actors' Fund Drive

Scheduled to open next Monday is the second annual Summer theatre campaign for the Actors' Fund. It will continue throughout the week. Guy Palmerton is committee chairman.

Variety Film Moves

Variety Film Distributors has moved its offices to new and larger quarters at 33 W. 42th St. Joe Mazer, formerly with Republic, has joined the organization.

Good Reason

Seattle, Aug. 10.—Robert C. Lee, operator of a string of theatres in smaller eastern Washington towns, is closing his houses at Kettle Falls and Ichelium. Both of these towns will be submerged during the next three years by the backwater from Coulee Dam, now under construction.

Ukrafilm Bankruptcy

An involuntary petition in bankruptcy has been filed in U. S. District Court against Ukrafilm Corp. of 747 Broadway, by three alleged creditors of the company. Petition was signed by Alexander Koshitz, creditor for $700; Michael Zaroweny, $1,200, and John S. Sztogin, $200.

174 NBC Stations

With the addition of WBLK, Clarksburg, W. Va., and WGKV, Charleston, W. Va., on Sept. 20, the number of NBC affiliated stations will increase to 174. These stations will have the option of the Red or Blue networks. The rate will be $140 per evening hour for both.

'Mother' Wins Frisco's Lead With $16,500

SAN FRANCISCO, Aug. 10.—"Bachelor Mother" led here with $16,500 at the Golden Gate. "Spring Fever" and "Bulldog Drummond's Bride" took $17,000 at the Fox. In general, business was fairly good.

Estimated takings for the week ending Aug. 1-4:

"Bachelor Mother" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $16,500. (Average, $15,000)
"I Stole a Million" (Univ.)
"Parents on Trial" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $6,800. (Average, $8,000)
"Good-bye, Mr. Chips" (M-G-M)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 6th week. Gross: $5,200. (Average, $6,000)
"Spring Fever" (M-G-M)
"Bulldog Drummond's Bride" (Para.)
FOX — (5,000) (15c-30c-35c-40c) 7 days. Gross: $17,000. (Average, $16,000)
"Frontier Marshal" (20th-Fox)
"6,000 Enemies" (M-G-M)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: $12,000. (Average, $11,500)
"Man in the Iron Mask" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 3rd week. Gross: $7,500. (Average, $8,000)
"Daughters Courageous" (W. B.)
"Nancy Drew, Trouble Shooter" (W. B.)
WARFIELD — (2,680) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $10,000. (Average, $12,000)
"Moscow Nights" (Pathe-Natan)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $800. (Average, $1,000)
"Gypsy Baron"
LARKIN — (390) (15c-35c-40c) 7 days. Gross: $1,100. (Average, $1,000)

Illinois Operators Talk Allied Contract

CHICAGO, Aug. 10.—Negotiations with the operators' union here will get under way next week, according to Jack Kirsch, president of Allied of Illinois. Kirsch declined to indicate the union's demands until after the first meeting with union officials.

It is believed in informed quarters that the exhibitors and operators will agree on terms almost identical to those now in effect, as the union permitted a reduction in salaries last year, and business conditions are about the same as a year ago.

CBS July Gross Put at $2,311,953

Gross billings for time on the Columbia network — prior to deductions for agency commissions and time discounts to sponsors—totaled $2,311,953 during July, 1939. The July figure brings the seven-month cumulative total for 1939 to $19,264,926.

WMT To Rejoin CBS

WMT, Cedar Rapids, Ia., will rejoin CBS on May 1, 1940. Station operates on 600 kilocycles, with power of 5,000 watts day and 1,000 watts night. Station will be included as a CBS basic network station.

Heads KDKA Education

PITTSBURGH, Aug. 10. — G. Dare Fleck has been made educational director at KDKA by Station Manager Sherman Gregory, and is effective immediately.

'Saint,' Follies Denver Smash With $22,500

DENVER, Aug. 10.—"Saint in London" at the Orpheum did nearly half the first run business here. With "Folies Bergere" on the stage, the house took $22,500, the biggest gross Denver has had in many years.

Estimated takings for the week ending Aug. 9:

"Daughters Courageous" (W. B.)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: $4,000. (Average, $3,500)
"On Borrowed Time" (M-G-M)
"Girl and the Gambler" (RKO)
BROADWAY—(1,024) (25c-40c) 7 days, 2nd week. Gross: $2,500. (Average, $2,500)
"The Magnificent Fraud" (Para.)
DENHAM—(1,750) (25c-35c-40c) 4 days. Gross: $1,900.
"Night Work" (Para.)
DENHAM—(1,750) (25c-35c-40c) 4 days. Gross: $2,100. (Average for week: $6,500)
"Second Fiddle" (20th-Fox)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: $9,500. (Average, $9,000)
"Saint in London" (RKO)
ORPHEUM—(2,600) (30c-40c-50c) 7 days, with "Folies Bergere" stage show. Gross: $22,500. (Average, $9,000)
"Unexpected Father" (Univ.)
"Parents on Trial" (Col.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)
"A Star Is Born" (U. A.)
"Adventures of Tom Sawyer" (U. A.)
RIALTO—(878) (25c-40c) 3 days. Gross: $750.
"Naughty Marietta" (U. A.)
"Great Waltz" (M-G-M)
RIALTO—(878) (25c-40c) 4 days. Gross: $1,000. (Average for week, $1,750)

$250,000 Campaign For 'Wizard of Oz'

For M-G-M's pre-selling campaign of "The Wizard of Oz," Howard Dietz, advertising and publicity director, has issued a broadside giving details of the $250,000 campaign.

The four-page broadside reproduces in color full page, full color ads appearing in 28 Sunday comic sections of big city newspapers with a total circulation of 13,721,764. The ads are in comic strip style.

Also reproduced are full page, full color ads in leading national magazines, timed to reach readers just prior to release of the film on Aug. 25. There are also two-page color spreads in all fan magazines and full page color insertions in the leading juvenile magazines. Included is a teaser campaign series appearing in 115 newspapers in 53 cities with coverage radiating through the entire country and the "Lion's Roar" column in magazines.

The entire campaign adds up to a grand circulation of 91,912,853, of which 64,736,771 is magazine circulation and 27,176,082 is Sunday comics and daily newspapers.

New CBC Series

TORONTO, Aug. 10.—Motor caravan of Canadian Broadcasting Corp., known as "Mobile Unit No. 1", a radio studio and transmitter on wheels for on the spot recording and broadcasting, has completed a six weeks' tour of Nova Scotia, New Brunswick and Prince Edward Island for material for a network series titled "Summer Over the Maritimes". R. T. Bowman of Toronto, director of special events, was in charge.

Too Realistic

Plymouth, O., Aug. 10.—Maurice Bachrach, who lives near the busines area, and who keeps some pet sheep in a lot adjoining his home, was awakened suddenly one night by the frenzied bleating of sheep and the sound of human voices. Dressing hurriedly, he rushed to the pasture, where he found everything serene.

Investigation disclosed that the sound emanated from a sequence of an open air picture being shown in the downtown sector.

Heat Kills Grosses For Oklahoma City

OKLAHOMA CITY, Aug. 10.—Hot weather took its toll of grosses here, the best business credited to "The Sun Never Sets," with $2,300 at the Tower. Other grosses were off.

Estimated takings for the week ending Aug. 4:

"Daughters Courageous" (W. B.)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,200. (Average, $5,200)
"The Gracie Allen Murder Case" (Para.)
"Nancy Drew, Trouble Shooter" (W. B.)
LIBERTY—(1,200) (15c-20c-25c) 4 days. Gross: $1,700. (Average, $1,800)
"Island of Lost Men" (Para.)
"The Girl and the Gambler" (RKO)
LIBERTY—(1,200) (15c-20c-25c) 3 days. Gross: $900. (Average, $700)
"The Mikado" (Univ.)
MIDWEST—(1,500) (25c-35c-40c) 5 days. Gross: $1,350. (Average week, $4,200)
"Second Fiddle" (20th-Fox)
PLAZA—(750) (25c-35c-40c) 7 days, 2nd week. Gross: $1,000. (Average, $1,100)
"Blondie Takes a Vacation" (Col.)
"Orphans of the Street" (Rep.)
(3 Days)
"The Mystery of Mr. Wong" (Mono.)
"The Wolf Call" (Mono.)
(4 Days)
STATE—(1,100) (15c-25c) 7 days. Gross: $2,400. (Average, $2,500)
"The Sun Never Sets" (Univ.)
TOWER—(1,000) (25c-35c-40c) 7 days. Gross: $2,300. (Average, $2,000)

Toronto Exhibitors Back Reform Fight

TORONTO, Aug. 10.—The meeting of independent exhibitors today under auspices of the Independent Theatres Association of Toronto with Vice-President N. A. Taylor presiding, adopted a resolution supporting the Anti-Protection League of Canada to proceed with the national convention of independents throughout the Dominion to be held here on Sept. 7 for the purpose of correcting evils designated as prolonged protection and unfair priority and instructing M. A. Axler of Toronto, secretary of both the League and the Independent Theatres Association, to notify all exhibitor organizations of such a meeting.

It was pointed out that the League is now considered sufficiently strong to carry out a movement for reforms with written pledges received from a large number of exhibitors. The preliminary organization is now being completed. J. O. Scott is temporary chairman of the League.

Met. Renews Program

Metropolitan Life Insurance Co. has renewed for a period of 16 weeks its 15-minute period, featuring Edwin C. Hill five times weekly over WNEW. Young & Rubicam executed the renewal. This is the first renewal of the contract. The original placement was for 13 weeks.

Newsreel Parade

Search for public enemy Louis Buchalter and the Hambletonian Stakes at Goshen in addition to the usual clips around the country and abroad comprise the new issues. Reels and their contents follow:

MOVIETONE NEWS, No. 96—Dewey declares crime war. Press correspondents on Mongolia battle front. New cannon for army. Large family rides in plane. Surplus cotton for road making. England launches new battleship. Mrs. Clyde Beatty trains tigers. Woman pilots transport plane. Engineering project aired. Trotting races. Ice skaters prepare for Olympics.

NEWS OF THE DAY, No. 294—Law hunts Lepke. Japs take Soviet prisoners. British salvage last of Kaiser's fleet. Tanks tested at Fort Meade. Nightgown fashions. Diving. Hambletonian race at Goshen.

PARAMOUNT NEWS, No. 107—Forest fires in west. Manufacture huge gun for army. Record peacetime defense program. Shipment of jade arrives from China. Australian cruiser in New York Harbor. Turkish troops in Syria. Turks take over Antioch. Fugitive Lepke is hunted; Dewey discusses situation. Peter Astra wins Hambletonian.

RKO PATHE NEWS, No. 7—Polish air force in training. Dewey spurs manhunt for Buchalter. Proposal to link U. A. and Alaska by highway. Campus fashions. Lighthouse service ends. Astra wins two heats at Goshen.

UNIVERSAL NEWSREEL, No. 796—Launch drive against underworld. Tank maneuvers at Fort Meade. Jade collection at Frisco exposition. Largest family rides in plane. Handsomest logger chosen. Fair visitors swelter; beats are cool. School for glamor. Rodeo in Kansas. Motorcycle cops perform in Chicago. Hambletonian Stakes.

Salesmen Form New Club in Cincinnati

CINCINNATI, Aug. 10.—An organization, temporarily called the Salesmen's Club, pending adoption of a more definite name, has been formed here, with eligibility limited to salesmen of local film exchanges, accessory and supply concerns.

Rudolph Knoepfle, of Republic, has been elected president; John M. Allen, M-G-M, vice-president, and Pete Nieland, of Columbia, who is responsible for having organized the group, secretary and treasurer. The organization is purely social in character, and has for its purpose the promotion of good fellowship and better understanding among those who sell in the industry. Meetings will be held in the quarters of the Cincinnati Variety Club.

Miller Names Wilder

ALBANY, Aug. 10.—Colonel Harry C. Wilder, president of the Troy Broadcasting Co., which is erecting a new station there, has been named to the N. A. B. executive committee by Neville Miller, president, to bring into effect the new code and policies adopted by the group. Colonel Wilder also heads the Central N. Y. Broadcasting Corp.

Score Short Subjects

Three "Going Places" and three "Stranger than Fiction," shorts produced by Tom Mead and Joseph O'Brien for Universal, were scored last week at the Eastern Service Studios, by a symphony orchestra under the direction of Jack Schaindlin, who composed the score.

U. S. to File Trust Action At Nashville

(*Continued from page* 1)

in addition to the major suit against the industry in New York and the action against B. & K. Theatres, Chicago.

Based on the same grounds as the Griffith and Schine cases, the Crescent petition will charge that while the operations of the organization are not nationwide, their effect upon independent exhibitors in the area of operation is substantially similar to that of the major producing companies wherever they own theatres and that, because of its control of theatres, the circuit is able to make blanket contracts for all of its theatres without competing with local independent exhibitors.

The objectives of the suit are the same as in the other two circuit cases on file, that is, dissolution of the circuit and reorganization of its various properties under several separate and independent corporations; injunction against practices resulting in the alleged monopoly control and its exercise, injunction of the producers against licensing pictures except on a local, competitive basis, and injunction against the acquisition of additional theatres or financial interests therein by the Crescent Circuit.

In announcing its second circuit prosecution within a week (the Schine petition was filed in Buffalo, Aug. 7), the Department indicated that other cases are rapidly being brought to a point of action and that further petitions will be filed in various Federal courts in the near future with a view to almost simultaneous prosecution of cases covering every section of the country where large independent operators have, in the opinion of Department officials, an advantage over independent exhibitors.

Department officials said that while the three cases so far filed cover circuit operations in 12 states there are a number of other areas in which similar conditions exist.

Private Suit Pending

Government was beaten to the draw by Peerless Amusement Co. of Harrison, Tenn., which brought an anti-trust action against the eight producer-distributors during July, charging that it was unable to obtain product because of preferential treatment given Crescent Amusement Co.

Columbia's Answer Ready

Columbia will file its answer to the Government's New York anti-trust suit in Federal District court here today. The company recently was denied an application for further particulars from the Government.

Crosley Shifts Biggar

CINCINNATI, Aug. 10.—Changes in the Crosley staff include George C. Biggar, moved from rural program supervisor to program director of WLW, replacing Owen Vinson. Felix D. Adams, Jr., assistant program director has resigned to go to KMBC, Kansas City, as program director, and Harold Carr, formerly WLW-WSAI program director, has been named production manager of the two stations.

GB Meeting Stormy; O.K. On Finances

LONDON, Aug. 10.—Despite efforts of a shareholders' committee to bring about the adjournment of the Gaumont British annual meeting today, the stormy session passed the financial statement and balance sheet with only six dissenting votes.

The committee sought adjournment pending the receipt of the consolidated accounts and the report of the Board of Trade committee investigating the affairs of the company. They also sought a resolution opposing the re-election of the present board of directors.

The lively session was featured by outspoken criticism by members of the Nordon stockholders' committee, and demands for a statement of gross receipts, coupled with attacks on executive salaries on the like, while Isidore Ostrer retaliated by accusing the protesting stockholder group of insincerity. He said he hoped for a dividend next year on the ordinary shares, and claimed the support of the majority of the stockholders.

In effect, the meeting developed into an emphatic support of the Ostrer brothers' policies.

Visibility Decision Affects Theatres

NEW HAVEN, Aug. 10.—The Supreme Court of Errors, highest court in Connecticut, has handed down a unanimous decision, the first in the state which defines the duty of a theatre operator toward the patron's safety, so far as visibility in the theatre is concerned.

The case was that of Frances Miller vs. Poli's New England Theatres, Inc., brought originally in the County Court to recover damages from the Palace, Waterbury, because of a fall sustained on leaving the theatre seat. Judgment of $643 was awarded the plaintiff, and Poli appealed the case.

The patron fell from a 7½ inch platform on which the row of seats stood, and which was marked with a white painted line. The claim was that the red and blue diffused lights above and to the rear did not reflect the white line, in which the lower court concurred, but the appeal court disagreed.

The court found it is the duty of the theatre only "to use reasonable care in the construction, equipment and management of it, having regard to the character of the entertainment given and the customary conduct of the persons attending. To provide too much light would spoil the entertainment for patrons."

Columbia to Make 8 Films in England

LONDON, Aug. 10.—Harry Cohn, president of Columbia, on a 24-hour visit here, said that Columbia is doubling its English picture output to eight films annually.

He paid tribute to the excellence of the films made for Columbia here by Irving Asher, and promised American showing of the films made here.

Mediators Plead Peace, But Unions Gnash Teeth

(Continued from page 1)

the A.A.A.A. for suspending Sophie Tucker and Harry Richman, A.F.A. officials. He said that the nature of their "crimes" does not warrant the "extreme punishment" imposed on both of them.

Both Miss Tucker and Richman protested at the council meeting that they were not guilty of "treason as charged."

Ralph Whitehead, Miss Tucker and Harry Richman defended the course of the American Federation of Actors at the Council hearing, while the I.A.T.S.E. vice-presidents, Harland Holmden, J. J. Brennan and W. P. Raoul upheld the action of their organization in granting the charter to the A.F.A.

They claimed jurisdiction over all actors by virtue of their charter and instanced their 1937 support of S.A.G. as reason for S.A.G. becoming an integral part of I.A.T.S.E.

The throngs of vacationists at this resort spot had a real field day, with the arrival of the Hollywood stars.

The vacationists loved the show. They turned out by the thousands at the airport, at the Traymore Hotel, headquarters of the 4A's delegation, and at the Ritz Carlton, meeting place of the Council.

Although there were 28 in the joint delegation from Hollywood and New York, only four — President Frank Gillmore of the 4A's, President Ralph Morgan of the Screen Actors Guild, President Lawrence Tibbett of the American Guild of Musical Artists, and Kenneth Thomson, Executive Secretary of the Screen Actors Guild —were allowed to speak for the 4A's. The entire group were admitted to the council meeting as observers.

On the other side of the table were Ralph Whitehead, Executive Secretary of the American Federation of Actors; Sophie Tucker, President of the A.F.A., and Harry Richman, Vice-President of the A.F.A. George E. Browne, President of the I.A.T.S.E. and fifteenth vice-president of the American Federation of Labor sat in the "jury box," composed of the A.F.L. vice-presidents who make up the executive council.

With him were I.A.T.S.E. Vice-Presidents W. P. Raoul, Harland Holmden and John P. Nick. In the chair sat Green.

Appearing before the council, Gillmore, in the name of the 4A's, demanded that the council instruct Green to notify all A. F. of L., organizations that the A.F.A. was no longer affiliated with the A.F.L., and that the council void the "alleged charter issued by the I.A.T.S.E. to the A.F.A."

The 4A's head termed the I.A.T.S.E. issuance of a charter to the A.F.A., "the most barefaced jurisdictional raid that I have ever heard of and one that I see as your duty and obligation to correct at once."

"For 29 years," Gillmore said, "the 4A's have been recognized by the Federation as having jurisdiction over the entertainment field. Last week, more than a quarter of a century later, Mr. Browne allegedly charters an expelled local of this international and gives them jurisdiction over our field.

"That he did not follow the constitution of the A. F. of L. by requesting its consent to this act is obvious. What he now wants is a white-wash and approval by the executive council of his clearly unlawful act—an act which we shall forever maintain is unlawful both before the convention and in court, if necessary.

"We shall trace before you the legal basis for our jurisdictional rights, but entirely apart from any question of technical jurisdiction I want to warn you that labor will lose all public confidence if it permits its members to be sold as chattels by a private bargain between Mr. Whitehead and Mr. Browne. I say that to you for these reasons:

"First, the actors of America do not want either Mr. Whitehead or Mr. Browne. They want the 4A's and no action by either Whitehead or Browne will affect in any way their continuous loyalty to this International and its branches.

"Secondly, neither Mr. Browne nor Mr. Whitehead consulted their membership in making the deal that they did, in which Mr. Browne chartered Mr. Whitehead to organize the actors. No one was consulted in the rank and file. Their move, therefore, does not have the support of the people they hoped to organize. Labor will be injuring itself irreparably by countenancing actions of this kind.

"I further warn you that if you permit this jurisdictional grab and if you allow this executive council to interfere with the autonomy of this International, you, as International officers, are setting a precedent which may directly affect your own organizations.

"I have received a great many courtesies, too, from your president, William Green. I do not recall ever having a difference of opinion with him until this moment. And it is because I cannot understand his attitude that I feel so grieved. He has never in the past had a more faithful supporter than myself and it seems ironical that at this important moment, we should find him apparently arrayed against us. But there are certain laws of the A. F. of L. which are sacred and one, I take it, is the autonomy of its branches and the autonomy of its internationals. Play fast and loose with that, and there is no one of you who is safe from a raid at any moment."

Mr. Thomson, who followed President Gillmore, traced the history of the 4A's jurisdiction from the granting of the charter, relating every step in the growth of the 4A's "proving conclusively that the charter of the 4A's had been defined and upheld by the executive council and the convention of the American Federation of Labor held at Norfolk, Virginia, in 1911, at the request of the I.A.T.S.E.

Mr. Tibbett declared that the action of the I.A.T.S.E. was a threat to democracy within the labor movement and would damage the prestige of the A.F.L. if such "a trend toward dictatorship is upheld by the executive council of the A.F. of L."

Mr. Morgan bluntly told the council that he must have answers to two questions in order to carry word to a S.A.G. mass meeting to be held in Hollywood on Sunday. He said that he wanted to know whether the council "believed that the 4A's had the right to revoke the charter of the A.F.A. and whether they agreed that Browne had no right to charter a new union in the jurisdiction of the 4A's."

CBS Revives Six Suspended Shows in Fall

CBS announced yesterday the resumption in the Fall of six programs which were dropped for the Summer. On Aug. 21, Ethyl Gas will replace the Walter O'Keefe variety show with "Tune Up Time" on Mondays from 8-8:30 P. M. B. B. D. & O. is the agency. On Aug. 28, General Foods will resume "Lum and Abner" for Postum, Mondays, Wednesdays and Fridays, 7:15-7:30 P. M.

On Sept. 5, General Foods will switch "We, the People" to Sanka Coffee from Jello Ice Cream. The program will continue on its Tuesday night spot from 9-9:30 P. M. Young & Rubicam is the agency for the latter two programs.

On Sept. 11, Lever Bros. will resume the "Lux Radio Hour" from 9-10 P. M. Mondays. J. Walter Thompson is the agency. On Sept. 19, Lever Bros. will also resume "Big Town" Tuesdays from 8-8:30 P. M. for Rinso, and O'Keefe's variety show will go on from 8:30-9 P. M. for Lifebuoy. Ruthrauff & Ryan is the agency.

Coast Flashes

HOLLYWOOD, Aug. 10.—Charles Carr, special assistant U. S. attorney, will arrive this weekend from Washington to take charge of the investigation of alleged labor racketeering in the film industry and income tax matters involving important film people. The investigation, already under way secretly, will wind up with the presentation of the evidence to the Federal Grand Jury.

James Dunn, actor, today filed in Superior Court a suit against Victory Pictures Corp., asking $20,000 damages and judicial determination of a contract under which he said he was to receive $2,000 per picture for a series of eight. Dunn alleged the first picture was postponed from time to time and that none of the films have been made.

M-G-M Sets Details In Theatre Contest

M-G-M yesterday disclosed the first group of pictures in its $10,000 exploitation contest for independent exhibitors in the United States and Canada, for which, it is said, 1,000 entry blanks already have been received. The contest includes all M-G-M films released between Sept. 1 and Jan. 1, 1940. Closing date of the contest is March 1, 1940.

The company probably will release about 18 pictures during the period. "The Wizard of Oz," although a current release, will be included in the contest. There will be identical prizes for first and subsequent run exhibitors. First place in each category will win $2,500, second $750 and third $500. There also will be 100 additional prizes of $25 each for runnersup in both sections.

Short Subject Reviews

"The Birthplace of Icebergs"

(20th Century-Fox)

First in a series of "Father Hubbard's Alaskan Adventures," this is a record of "The Glacier Priest's" exploration of the glacier country where icebergs are born. Breathtaking and awe-inspiring are the shots of huge bergs splitting from the glacier and floating off to sea. Commentary is provided both by Father Hubbard and Lowell Thomas. If the first reel is a fair sample, this series should rate very high. Truman Talley produced. Running time, 11 mins.

"Two-Headed Giant"

(Terry-20th Century-Fox)

Jack the Giant Killer pits his strength against the Two-Headed Giant and comes off victorious. Done in color, this Terrytoon provides a number of funny sequences, although many of the effects have been done before. The Giant raids the castle and overwhelms its guards but Jack saves the day. Running time, 7 mins.

'Conquering the Colorado'

(20th Century-Fox)

Here is a story of "Buzz" Holmstrom, who successfully shot the 1,100 miles of rapids of the Colorado River. For sheer photographic beauty this reel is outstanding. In addition, the dangers and excitement of this hazardous exploit are aptly translated to the screen and should please every type of audience. Starting from Green River Lakes in a homemade boat, the cameraman follows Holmstrom until he reaches Boulder Dam Lake. Photographed by Amos Burg and produced by Truman Talley. Running time, 11 mins.

Venice Festival Gets Three British Films

LONDON, Aug. 10.—British entries in the annual Film Festival at Venice, Italy, have been disclosed as "Four Feathers," "The Mikado" and "Young Man's Fancy." Shorts include four Gaumont British Instructional films and a G. B. newsreel.

It is believed that showing of the British features will be contingent upon the conclusion of trading guarantees by the Italians. The British walked out of last year's festival after expressing displeasure with the manner in which the awards were made.

Producers here were non-commital on the possibility of screening their films at the Festival, but admitted the films have been entered.

Win Warner Contest

Richard Richter, Warner manager in Yugoslavia, and Jack Kamras, manager for Finland, were first and second in the European exploitation contest for 1938-'39, sponsored by Robert Schless, Warner managing director for Europe. Honorable mention went to Dr. B. Jankolowicz, Polish manager, and Victor Michaelides, manager in Greece.

Theatre and Personnel Changes

Ricketson Shifts Men

DENVER, Aug. 10.—Rick Ricketson, manager of Fox Intermountain, reports several manager changes. Ben Benda, manager of the Isis, Boulder, Col., is now at Sterling, Col., relieving Chet Miller, who is on an extended vacation. Taking Benda's place is Ed King, city manager at Walsenburg, Col. Harold Woods has been promoted from assistant manager at Helena, Mont., to King's position at Walsenburg, where he will manage the Valencia and Rialto.

$40,000 Renovation for Troy

TROY, N. Y., Aug. 10.—Troy Theatre, Warner Brothers house, has closed for a month for complete renovation. Expenditure of $40,000 is anticipated. The Troy is in the Warner-Fabian pool together with The Lincoln, American, Proctor's and Griswold, all except Proctor's being Warner theatres.

Harris Moves Office

PITTSBURGH, Aug. 10.—The Harris Amusement Co. has moved from its former Clark Building offices to new, larger quarters in the William Penn Hotel. The change gives the offices more than 7,000 square feet of floor space, more than double the size of the former site.

Joins Olson Circuit

INDIANAPOLIS, Aug. 10.—James Kennedy, former manager of the Apollo and B. F. Keith's here, has returned to become manager of the St. Clair of the Olson circuit. In recent years he has been with Associated Theatres of Cleveland and Fox Midwest.

Manager in Kenosha, Wis.

KENOSHA, Wis., Aug. 10.—E. R. Brennan has been named manager of the Kenosha, succeeding Foster Norton, who goes to the Strand in Oshkosh. Brennan comes from Green Bay, where he was manager of the Orpheum.

Close Indianapolis House

INDIANAPOLIS, Aug. 10.—Nathan Tamler has closed the Oliver, neighborhood house. He said reopening will be "this fall, if business conditions show an upward trend." The house will be renovated.

Closed in Fort Wayne

FORT WAYNE, Ind., Aug. 10.—The Paramount here has been closed and probably will not reopen before fall. Mannie Marcus, operator, is having it remodeled.

Increases House Schedule

BROADBROOK, Conn., Aug. 10.—Oscar Hausner, who leased the Broadbrook for operation in June, has increased the schedule of the house from four-a-week to full time.

Building N. C. House

VASS, N. C., Aug. 10.—Work is going forward on construction of a new theatre here. It will be operated by Herman B. Meiselman.

Remodeling in Indiana

BRAZIL, Ind., Aug. 10. — Samuel Grimes is remodeling the Cine here. Seating capacity will be increased to 450.

Laughlin Is Transferred

KANSAS CITY, Aug. 10.—H. E. Jameyson, district manager of Fox Midwest Theatres, Inc., Wichita, has shifted William Laughlin, manager of the Regent, Wellington, Kan., to the Crane, Carthage, Mo., and Al McClure, house manager of the Palace, Wichita, to Wellington. The Palace position remains temporarily unfilled.

Dewey to Quit Tri-States

DES MOINES, Aug. 10.—David H. Dewey, head of Tri-States Theatre Corp., maintenance department, is in a local hospital recovering from an appendicitis operation. Dewey plans to leave the Tri-States organization on Sept. 1 when he goes to Union City, Ind., to join the Union City Body Co.

Adopts Vaudeville Policy

Following a favorable reaction to five vaudeville acts in addition to films at Reade's Community, Toms River, New Jersey, the house will adopt the policy at frequent intervals. The Casino in Asbury Park, also operated by Reade, will test five acts Sunday.

Reopen in Montgomery

MONTGOMERY, Ala., Aug. 10.—The Strand here has reopened after extensive remodeling. New seats will be installed. Marvin Warren, formerly of the Wilby in Chattanooga, is the new manager.

Back Stage to Become Store

Back stage of the Times Square, former legitimate theatre, now a Brandt unit, is being converted into a spacious store. The house is remaining open with business unaffected.

Brandt's Town Opens Aug. 25

Brandt's Town, 1500-seat house which was formerly William Yoost's Chaloner, opens August 25 following complete renovation. Martin Levine will supervise operation.

Plan Brentwood House

PITTSBURGH, Aug. 10. — A theatre with a seating capacity of 1,000 will be built in suburban Brentwood by John P. Moss, owner of the Melrose, Carrick, Pa.

Vinson Transferred

OPELIKA, Ala., Aug. 10.—A. T. Vinson, Jr., for some time assistant manager of the Martin here, has been promoted to manager of the Martin in Florala, Ala.

Sells Colorado House

DENVER, Aug. 10.—J. J. Sarah has sold the Rialto at Fruita, Col., to John Mattern, who plans to do some remodeling before reopening the house.

Broadmoor to Reopen

Broadmoor, Rapf & Ruden house in Bloomfield, N. J., will reopen about September 1 after being closed for the Summer.

Herman Acquires Hawthorne

William Herman has acquired the Hawthone, Hawthone, New Jersey, from Rapf & Ruden.

Royal in Akron Continues

AKRON, O., Aug. 10.—Operation of the Royal, owned by the late John G. Dietjen, will be continued by his son, Paul Dietjen.

Move Commonwealth Men

KANSAS CITY, Aug. 10.—Commonwealth Amusement Corp. has shifted Joseph McClure from the Kansan, Osawatomie, to the Cozy, Norton, Kan., and Ray Holmes from Norton to the Granada, Lawrence, Kan., where Stanley Schwahn, former Granada manager, now is city manager.

Takes Delmar, N. Y., House

ALBANY, Aug. 10.—Roger Marmon is to take over operation of the Delmar at Delmar, N. Y., previously operated by Mitchell Conery, regional vice-president of Allied. Conery operates seven independent houses in Albany and Schoharie Counties.

Vaudeville in Scranton

SCRANTON, Pa., Aug. 10.—The Family Theatre, operated by Harry Spiegel and the Comerford circuit, has joined in the return of vaudeville. The Family, through Mutual Booking, presents five acts with films the last three days of each week.

New Thompson Theatre

TISHOMINGO, Okla., Aug. 10.—Glenn Thompson, recently opened the new Thompson here, seating 464 persons, replacing the Princess, which burned last winter. Thompson is building a new house at Colbert, Okla.

Joins Grand National

CINCINNATI, Aug. 10. — Charles Weinberg has left the sales force of Republic here to become booker and office manager for the local Grand National exchange, under C. E. Stewart, branch manager.

Change Cincinnati Policy

CINCINNATI, Aug. 10.—With the opening of "The Wizard of Oz" at the RKO Capitol, Aug. 25, that house will inaugurate the policy of playing first runs instead of moveover weeks, as in the past.

Roberts Transferred

HEREFORD, Tex., Aug. 10.—John Roberts, former manager of the Star, has been sent to Fort Morgan, Col., to manage a theatre. In his place, G. R. Lunsford, Clovis, N. M., is new head here.

Griffith Theatre Ready

SAPULPA, Okla., Aug. 10.—The State here, will be opened Aug. 15 by the Griffith Amusement Co. James Zartaludes, city manager here, will be in charge. The house seats 550.

Takes Panora, Ia., House

PANORA, Ia., Aug. 10.—E. L. Hand of Muscatine, Ia., has bought the Ritz here from George Woods, who will return to his former home at Kingsley, Iowa.

Remodel Oklahoma House

ADA, Okla., Aug. 10.—Nona Kyser, operator of the Strand here, has closed the house for remodeling.

Remodel Texas Theatre

TERREL, Tex., Aug. 10.—The Iris here is being remodeled. A new marquee will be installed.

Open Mobile Theatre

MOBILE, Ala., Aug. 10.—The Azalea theatre, seating 750, has opened here.

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Columbia Not A 'Major' Firm, Answer Says

Enters Full Denials in Anti-Trust Suit

Denials of all pertinent allegations in the Government anti-trust suit in the New York Federal court were made by Columbia in its answer filed here on Friday. The answer was in two parts, one of 105 pages on behalf of the company and its subsidiaries, and the other in briefer form on behalf of the company's directors.

The answer, which was filed by Schwartz & Frohlich, contends that Columbia is an independent producing and distributing company and is not a "major" company. It asserts that the Government's definition of a "major" company is in error, and that such a company is one that is engaged in exhibition as well as production and distribution.

Offers Two Defenses

The answer sets up two separate defenses, one of which is that Columbia was a party to the suit brought by the Government against Interstate Circuit in Dallas last year and that a decree has been entered by the Federal court in that case. Any other charges which the Government had to make against the company should have been made in that case at that time, the answer asserts. It also contends that the company has contracts with exhibitors and artists made prior to the suit, which the action seeks to have cancelled or modified. This cannot be done, Columbia asserts, without bringing in all of the parties to the contracts and making them parties to the suit.

Detailing the company's development, the answer relates that Columbia

(*Continued on page 2*)

Prizes Are Offered In Universal Drive

Exhibitors' support of Universal's booking and dating drive gained new momentum over the weekend when several exhibitors offered prizes to salesmen and exchanges. M. A. Lightman, head of the Malco circuit in Memphis, has offered a piece of luggage for the salesman with the best record during the drive.

John Nolan, of the Comerford circuit, has offered a cash prize, while Bob O'Donnell, of the Interstate circuit, will also contribute a prize. Charles Hayman, Buffalo exhibitor, has offered $200.

Studios Sign IA Five-Year Pact

Hollywood, Aug. 13.—New five-year agreement between the I.A.T.S.E. and the producers was reduced to writing and signed Saturday night under threat of a strike.

John Gatelee, I. A. spokesman, after a telephone conversation with George E. Browne, president, who is in New York, gave the producers until 1 P. M. Saturday to sign the agreement. He threatened a walkout. The producers' committee was in session 11 hours Saturday. At 7:30 P. M. Joseph M. Schenck, producers' association head, announced the agreement had been signed.

United Studio Technicians Guild, financed by the C.I.O., protested the signing.

Wisconsin Senate Passes Games Ban

MILWAUKEE, Aug. 13.—The Wisconsin Senate has advanced to passage the Paulson bills, which prohibit granting of prizes by lot, chance or drawing to attract people to theatres, stores, auctions, or taverns.

They declare lotteries a nuisance and empower the district attorney or any citizen of the county to start circuit court action to abate such nuisance and perpetually enjoin every person guilty thereof from continuing, maintaining or permitting the same.

Following completion of the Senate action, the measure goes to the Assembly.

Stress Pan American Value of the Screen

Importance of the motion picture as a medium for cementing closer relationship among the Americas was stressed in a short-wave radio address by Charles Light, foreign manager by Alexander Film Co.

The talk was given in a broadcast over CBS to Latin America sponsored by the Ecuadorean-American Chamber of Commerce in honor of the Ecuadorean national holiday. Light is a member of the board of the Chamber of Commerce and spoke as a representative of the Spanish-American film industry.

The Commissioner General of Ecuador to the World's Fair held a reception at the Fair. H. Alban-Mestanza, editor of *Teatro al Día,* was a guest of honor.

SEE PEACE CHANCE IN ACTORS' DISPUTE

Bondy Refers Atlas Underwriting Plan To Special Master

Atlas Corp. proposal for underwriting $1,500,000 of new RKO common stock was referred to Special Master George W. Alger by Federal Judge William Bondy on Friday.

Alger will hold hearings on the proposal on three days' notice. He will endeavor to determine whether the suggested price of $4 per share is a "fair and reasonable" one, or to decide what the price should be. He will be assisted by a report to be made by the Securities and Exchange Commission not later than Aug. 23. His own report will be turned over to some Federal judge other than Bondy for approval in the event the latter has not returned from a vacation, which he begins today, by the time Alger's report has been completed.

Creditors Oppose Step

Objection to the transfer of the hearings to Alger was made by Richard C. Hunt, representing RKO debenture holders, who said the procedure would involve some delay and might affect the market on the new stock. In addition, he pointed out that no decision might be reached by Aug. 29 when the Atlas offer expires. Date for the next court hearing was set for Aug. 28.

H. C. Rickaby, attorney for Atlas, said that while he could not make a

(*Continued on page 2*)

Spyros Skouras Off For Circuit Meets

Spyros Skouras, operating chief of National Theatres, left last night for a series of divisional conventions of the circuit which will take him to the coast.

After attending the Milwaukee meeting today, he will arrive in Kansas City tomorrow for the Fox Midwest meet at Excelsior Springs, Mo.; in Denver on Thursday, Seattle on Friday and Sunday in Los Angeles. He is accompanied by John Healy, his assistant.

Skouras will make awards in the Spyros Skouras Showmanship Campaign which ended last month. About 160 prizes totaling $25,000 are to be given. He will also discuss plans for the annual business campaign to start Labor Day and end Dec. 24.

Decisions Due Today; Four A's, S.A.G. Defer Action

Prospects for settlement of the dispute between Associated Actors and Artistes of America and the I.A.T.S.E. appeared considerably brighter over the weekend as conferences in New York sought a peaceful disposition of the jurisdictional argument.

Four A's agreed to defer all action until today, when new elements in the inter-union dispute with the I.A.T.S.E. brought a conditional report from the A. F. of L. warranting a postponement of final decisions until today. As a result, the S.A.G. Hollywood massmeeting last night resolved itself into a discussion session on developments of the weekend. Another meeting will be held following the receipt of the A. F. of L's decision.

Hollywood Delegation Optimistic

The Hollywood delegation was optimistic as it left Newark airport by the TWA "Star Special" Saturday night to return to the coast. Ralph Morgan, president of Screen Actors Guild, declared that the actors had agreed to wait for a final decision until today because of the seriousness of the situation. With many of the

(*Continued on page 4*)

Code Promised By End of This Week

Revised rules for arbitration of clearance disputes in the trade practice code provide for a four-man board instead of the five-member board stipulated in the last draft.

The code with completed revisions and the plan for administrative machinery will be presented to the industry definitely this week, William F. Rodgers, chairman of the distributors negotiating committee, has declared. Rodgers plans to leave for the M-G-M studio Friday night for product conferences which have been delayed by the code discussions.

The code itself is completed and the sales managers are deciding the administrative set up, in which exhibitors will have a voice. Methods of obtaining exhibitors' signatures in the field and of establishing boards in 32 exchange centers are being formulated.

The board of arbitration of clearance disputes will be "balanced." The distributors will have a voice but not

(*Continued on page 2*)

Columbia Not A 'Major' Firm, Answer Says

(*Continued from page* 1)

was originally a producing company only and that it branched out into distribution in 1929 only when it was unable to obtain good distribution terms for its pictures. In that year, it raised $750,000 by issuance of preferred stock, to establish its own distribution system and, in 1930, raised additional cash for foreign exchanges. If it were forced by the Government suit now to dissolve this organization, the answer points out, the company would be back in the same position it was in 1929 when no satisfactory distribution arrangements were available to it.

Defends Talent Loans

The answer defends the practice of loaning stars and technicians, asserting that independents share in the benefits of it and, in fact, it permits Columbia and other independent companies "to survive." It also sets forth that independent producers turned out 2,000 pictures more than the "major" companies during the years from 1937 to 1938.

Chicago Reduces Fees for Theatres

CHICAGO, Aug. 13.—Jack Kirsch, head of Allied of Illinois, disclosed that city license fees for theatres had been reduced in several instances at the request of his organization.

Effective retroactively from July 1 to Dec. 31, license fees for theatres seating a maximum of 350 have been reduced from $250 to $200. Theatres seating a maximum of 750, reduced from $325 to $275. More than 75 Chicago theatres are affected by the reductions.

Will Rogers Funds Aid Paralysis Fight

The National Foundation for Infantile Paralysis, Inc., the permanent national organization, which supplanted the Warm Springs, Ga., Foundation as the principal beneficiary of the annual drives, has received a gift of $50,000 from the Will Rogers Memorial Commission, which distributed a like sum among 25 chapters of the foundation in 25 cities for local use.

Minneapolis Bill Would Ban Duals

Minneapolis, Aug. 13.—An Allied-sponsored ordinance was introduced in the City Council banning film shows of more than two hours and 15 minutes. The measure is presumably directed at the Aster, dual house, and is designed to forestall duals in the twin cities. The penalty would be a minimum of $100 or maximum of $500, or imprisonment, or both.

Purely Personal

MONTY BANKS, associate producer for 20th Century-Fox, arrives in New York on the *Normandie* today. Other passengers arriving include LEON LEONIDOFF, production director of the Radio City Music Hall; TAMARA, stage actress, and ERIC VON STROHEIM.

•

JEROME M. WEISFELDT, son of MAX J. WEISFELDT, Columbia's short subject sales supervisor, arrived Sunday from Minneapolis for a two-week vacation with his father. JEROME is a booker with Warners in Minneapolis.

•

JOHN E. ABBOTT, executive vice-president of the Museum of Modern Art and director of the Film Library, left by plane Friday for Hollywood for a short visit.

•

VIRGINIA CHERRILL, actress, arrived in New York Saturday on the *President Roosevelt* en route to Hollywood after a two-month stay at her home in England.

•

ADOLPH ZUKOR and JOHN W. HICKS, currently touring Australia, on Friday will board the *S. S. Monterey* at Sydney for Los Angeles.

•

HENRY KING, 20th Century-Fox director, is in town with a research staff for preparatory shooting on "Little Old New York."

•

LESTER COOPER of the Warner studio story department left for the coast Friday after a two-week vacation in New York.

•

MAURICE COSTELLO, veteran of the silent screen, has been signed by Warners for a role in "The Roaring Twenties."

•

BRENDA MARSHALL, feminine star of Warners' "Espionage Agent," is in town for a month's vacation.

•

ERICH POMMER, British producer, is a passenger on the *Mauretania*, scheduled to arrive here Friday.

•

RAMON NAVARRO has reserved passage on the *Normandie* sailing Wednesday.

S. W. MORRIS of MOTION PICTURE DAILY editorial staff and former Chicago newspaper man, and RUTH C. BANKER of Chicago were married Saturday noon at the Little Church Around the Corner.

•

CHARLES LIGHT, foreign manager for Alexander Film Co., has been appointed director of the Ecuadorean-American Chamber of Commerce in New York.

•

MICHAEL SIMON, French screen star, leading player in "End of the Day," opening at the Filmarte Sept. 11, is due on the *Normandie* from France today.

•

JOHN BALABAN and NATE PLATT, Balaban & Katz executives left Chicago Thursday night by chartered plane for a 10-day fishing trip in northern Canada.

•

ED REED, manager of the Strand in Providence, took a two-week fishing trip off Block Island, and came back with a 340-pound swordfish.

•

EMANUEL REISLER, manager of the City and Savoy, Manhattan, left Friday for a two-week vacation at the Finger Lakes, N. Y.

•

S. CHARLES EINFELD, Warners director of advertising and publicity, is due next Monday from the coast.

•

J. T. MILLS, controller of Loew's, returns Thursday from a vacation with his family at New Augen, Me.

•

WILLIAM JACKSON, sales manager of KDKA, Pittsburgh, is in New York on a short business trip.

•

GEORGE CRONIN, manager of the Empire in Providence, left over the weekend on his vacation.

•

RAE COHEN of the Walter Reade booking department is vacationing upstate.

•

GILBERT GOLDEN, Warners advertising production manager, is vacationing.

Truce in Springfield

SPRINGFIELD, Mass., Aug. 13.—Truce was declared over the weekend in the strike called at three Nathan E. Goldstein houses here by the M. P. Division of Theatrical Managers, Agents and Treasurers Union. The Massachusetts State Labor Relations Board obtained the truce in an effort to negotiate a settlement.

Picketing started at the Paramount, Broadway and Arcade on Thursday. The union has only one office, in New York.

Leslie Howard Sued

Leslie Howard has been named in a Superior Court suit seeking $91,128 damages by United Player Productions, Inc., filed on behalf of the English company, United Player Productions, Ltd., alleging breach of contract. The suit says Howard signed a contract in 1935 to produce and star in a film, "Bonnie Prince Charlie," and was to receive $75,000 for two months' work and a share of the profits. The plaintiff alleges that large sums were spent for exploitation, but that Howard has never made the film.

Dismiss Steinboch Plea

N. Y. State Labor Relations Board has dismissed the petition of Max Steinboch, formerly a clerical employe at the Paramount New York exchange. Steinboch alleged that he had been dismissed for union activity but the board ruled that the charges had not been sustained.

'I. Q.' Case Starts

CHICAGO, Aug. 13.—Hearings before Master-in-Chancery Daniel Covelli started Friday afternoon to determine if "Dr. I. Q." is a lottery scheme. Attorneys for Mars, Inc., and Grant Advertising Agency will present their case Monday.

Resume Hearings Today

Hearings on the petition of Theatrical Managers, Agents and Treasurers Union for recognition as collective bargaining agency in the Rugoff & Becker circuit will be resumed by the N. Y. State Labor Relations Board today after a two-week recess. Hearings on a similar petition filed against the Raybern circuit will start Thursday.

Bondy Refers RKO Plan to Special Master

(*Continued from page* 1)

conclusive statement on the matter, it was his belief that Atlas would not withdraw its offer on Aug. 29 if no material change in the situation had occurred by then.

Objections to permitting the S.E.C. report to influence the decision were made by spokesmen for other creditors. It was pointed out that the S.E.C. was not familiar with RKO operations and that it would require a study of several months to learn all necessary details on which an opinion should be based.

Judge Bondy consented to a request by Rickaby that Alger be permitted to state whether he believed the Atlas proposal to be a "liberal" one in order that that might be taken into consideration by the court when it established fees for the underwriting services.

No opposition was voiced by RKO creditors at a hearing before Federal Judge William Bondy on Friday to the proposed settlement, reduction or expunging of claims against the company totaling more than $2,240,000. The court reserved decision but indications are that it will approve the proposed claims treatment.

Code Promised By End of This Week

(*Continued from page* 1)

to the extent of the independent exhibitors.

It is expected that the vote representation of the four members will be one-half vote for the exchange representative, one-half for the affiliated or respondent theatre spokesman, one for the independent or complaining exhibitor and one for the neutral fourth member.

The previous draft of the code presented provided for a full vote for each board member, with membership consisting of one representative of the exchange, one of the affiliated or respondent theatre, one of the independent or complaining exhibitor and two neutrals.

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PROVED DEPENDABLE

THE proving period for Eastman's new negative films has been left far behind. With their special emulsion qualities reinforced by typical Kodak dependability, *Plus-X*, *Super-XX*, and *Background-X* are firmly established as successors to other notable Eastman films for the motion picture industry. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN

PLUS-X
for general studio use

SUPER-XX
for all difficult shots

BACKGROUND-X
for backgrounds and general exterior work

TMAT Affiliation With IA Set Back

Following defeat of a proposal for a referendum on affiliation with the I.A.T.S.E., Theatrical Managers, Agents and Treasurers Union will send out a different referendum. This will provide for a vote on whether the board of governors shall collect data and negotiate terms of an agreement with all other unions in the theatrical field.

Later, the board will make its recommendations and another referendum will be taken on the question of affiliation. The result is a victory for press agents and a faction of the managers opposing an I.A. tieup. The present referendum gives the board no greater powers than it had previously.

'Chips' Pulls Smash $10,100 Omaha Lead

OMAHA, Aug. 13.—"Goodbye, Mr. Chips" soared to a smash $10,100 at the Omaha and was held for a second week with a new second feature. Business generally took an upswing due to unseasonal, low August temperatures.

"Each Dawn I Die" pulled a fine $4,700 at the small Brandeis.

Estimated takings for the week ending Aug. 9-10:

"Each Dawn I Die" (W. B.)
"Girl From Mexico" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $4,700. (Average, $4,000)

"Goodbye, Mr. Chips" (M-G-M)
"Boy Friend" (20th-Fox)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $10,100. (Average, $6,000)

"Maisie" (M-G-M)
"Hell's Kitchen" (W. B.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $8,400. (Average, $7,600)

'Feathers' $13,000 Leads Providence

PROVIDENCE, Aug. 13.—"Four Feathers" and "Blondie Takes a Vacation," at Loew's State, took $13,000 to lead the town in what was otherwise a hot, dull week during which nearby shore resorts got the heavy business.

Estimated takings for the week ending Aug. 9-10:

"Four Feathers" (U. A.)
"Blondie Takes a Vacation" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $13,000. (Average, $11,000)

"Hotel for Women" (20th-Fox)
"News Is Made at Night" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $5,500. (Average, $7,000)

"The Magnificent Fraud" (Para.)
"Mutiny of the Elsinore" (Argyle)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $5,200. (Average, $6,000)

"The Man in the Iron Mask" (U. A.)
"Panama Lady" (RKO)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $2,800. (Average, $3,500)

Club Helps Boys

Pittsburgh, Aug. 13.—More than 100 members of the local Variety Club and friends attended an outing at Camp O'Connell for boys, competed for athletic and other prizes, then gave the money to the camp's founder, Rev. Lawrence W. O'Connell, for the use of the underprivileged boys of the Hill district who are the camp guests.

Schenck Sees Studio Pact As Bar to Actors' Strike

By ALFRED FINESTONE

"The screen actors cannot and will not strike," Joseph M. Schenck, chairman of the board of 20th Century-Fox and president of the Motion Picture Producers Association, told newspapermen Friday.

Schenck explained that the 10-year pact signed with the Screen Actors Guild in 1937 forbids strikes, even in sympathy with any other union. It was his opinion that if the Guild, an incorporated organization, calls a strike the producers can seek an injunction, and also bring suit for damages.

"All stories that the actors intend to strike are pure bunk," Schenck said.

"There is no reason for them to strike. We are very strong in our sympathies with the actors."

Schenck left for Hollywood by plane Friday night after a two-day visit in the east which included a luncheon in Hyde Park on Thursday at which President Roosevelt was host to the Committee for the Celebration of the President's Birthday, of which Schenck is vice-chairman. The committee reported on the "March of Dimes" campaign of the National Foundation for Infantile Paralysis.

The five-year basic agreement which was signed by Schenck and the producers' committee with the IATSE on his return to Hollywood Saturday covers eight or nine crafts. It calls for a closed shop. It does not outlaw strikes and carries the usual notice clause in event of a walkout. Wages, hours and working conditions are subject to revision annually.

"We could not give the I.A. an agreement for other unions because we have contracts with the latter groups," said Schenck. "These contracts are inviolable."

Schenck said the producers sought to delay the I.A. agreement "until the labor war was over," but the union refused to wait "and we had to make a deal or face a strike."

The producers, he said, wanted to wait until the N.L.R.B. had decided the question of the jurisdiction over studio technicians. "But we had to avoid a projectionists' strike, which the I.A. threatened unless we negotiated immediately."

The crafts which are parties to the I.A. pact include Studio Technicians Local 37, Projectionists Local 150, Photographers Local 659, Costumers Local 705, Sound Technicians Local 695, Makeup Artists Local 706, Film Technicians Local 683 and one or two others. All told, there are about 20 craft unions at the studios.

M-G-M Uses Radio To Publicize 'Oz'

M-G-M is using spot announcements over WNEW to publicize "The Wizard of Oz," opening at the Capitol on Thursday. The announcements, three a day for a week prior to the opening, were set by Donahue and Coe.

WHN will broadcast the luncheon at the Waldorf-Astoria on Wednesday, at which Mickey Rooney and Judy Garland, in the course of a personal appearance tour, play host to 200 boys and schools of the city selected from among their fellows by voting conducted through Loew theatres.

Ask Owner Change

DAYTON BEACH, Fla., Aug. 13.—The Florida State Radio Service Council, composed of presidents and executives of 25 business and cultural groups in Florida, has asked the State Chamber of Commerce to underwrite management of the State-owned radio station, WRUF, in Gainesville. A resolution also was adopted asking Governor Cone and the Board of Control to continue non-political operation of the station until funds are available.

Open KTBC, Austin

AUSTIN, Tex., Aug. 13.—KTBC opened here today, with 1,000 watts at a frequency of 1120 kilocycles. Installation included the latest type of RCA turntables, with a 200 foot vertical antenna that reached 40 counties. Dick Watts is manager of the station.

WCKY Is CBS Affiliate

CBS has closed a deal with L. B. Wilson, Inc., Cincinnati, whereby WCKY, Cincinnati, will be a CBS affiliate, effective Oct. 1.

Abe Lichtman Feted By Washington Trade

WASHINGTON, Aug. 13.—Approximately 200 members of the Variety Club, distributor representatives and exhibitors met Friday night at the Willard Hotel to pay tribute to "Abe" Lichtman, Washington circuit owner, on his fiftieth birthday and completion of 19 years in the exhibition business.

The testimonial was in the form of a dinner at which a number of Lichtman's friends in the industry proffered their felicitations in brief speeches, with lighter entertainment offered by the stage shows from the Earle and Capitol theatres.

WJSV Building Starts

WASHINGTON, Aug. 13.—Construction has started on the buildings and transmitter of WJSV, CBS station here. Contracts already total $87,257 for work in the third of a million dollar project which will be climaxed late this year when WJSV increases its power to 50,000 watts.

NBC Campus Doings

SAN FRANCISCO, Aug. 13.—Jennings Pierce, veteran NBC producer here, has been named to head NBC's new training school in radio for members of the network staff, to open about Sept. 1, according to network manager Lloyd Yoder. All phases of radio will be discussed at the weekly sessions.

WQXR Signs Account

White Rock Mineral Springs Co., through Newell-Emmett, has signed a contract with WQXR for three 15-minute programs weekly, for 13 weeks. Program will be known as "Miniature Concerts" and will be broadcast Mondays, Wednesdays and Fridays, starting this week.

See Chance of A.F.L. Peace; Decide Today

(*Continued from page* 1)

A. F. of L. executive council members in New York City over the weekend for the A. F. of L. parade, conferences continued Saturday and Sunday.

Neither side would comment on the developments but it was learned that the A. F. of L. subcommittee had submitted a series of compromises, each one granting new concessions. Some of the proposals included chartering the American Federation of Actors, the former 4-A affiliate, and now a part of the I.A., as a separate international union, and another provided for the A.F.A. to return to the fold of the 4-A.

Final word on all proposals is scheduled to be made public at 2:30 P.M. in Atlantic City today. Granting of an international charter to the A.F.A. was proposed because it was hoped that the 4-A might accept the withdrawal of the I.A. from the acting field as a partial victory. However, this proposal was turned down coldly by 4-A members who regard such a move as an invasion of their jurisdiction. Proposal for reinstatement of the A.F.A. into the 4-A was snagged on the question of the officers. The I.A. appeared prepared to insist that Ralph Whitehead continue as executive secretary, while the 4-A was just as adamant that he be ousted.

Kenneth Thomson, S. A. G. executive secretary, last night said "The situation is by means settled although it does contain the possibility of a peaceful agreement." He reiterated insistence that Whitehead be "completely eliminated." The A. F. of L. mediation committee was reported to have decided on a poll of A. F. A. members to determine their wishes.

Plan Screenings For 'Cavalcade'

"Hollywood Cavalcade," 20th Century-Fox film, will be given special screenings in 10 or 12 cities for key exhibitors and newspapermen about three weeks in advance of release, set for Oct. 13.

The picture is expected to get much publicity because of its theme, which deals with the lives of an actor and actress, played by Alice Faye and Don Ameche, and the development of films.

Charles E. McCarthy, 20th Century-Fox advertising and publicity director, returned to the home office after a week's stay in Hollywood. He said the company will have the largest number of strong attractions between now and the end of the year than ever in its history.

"A" films set for release are "Elsa Maxwell's Hotel for Women," "Stanley and Livingstone," "Adventures of Sherlock Holmes," "The Rains Came," "Here I Am a Stranger," "Hollywood Cavalcade," "20,000 Men a Year," "Drums Along the Mohawk," "Swanee River," "Day-Time Wife," "The Blue Bird" in color and, as the first release of 1940, "Little Old New York."

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 31 NEW YORK, TUESDAY, AUGUST 15, 1939 TEN CENTS

Labor Racket Probe Opens In Hollywood

U. S. Also to Investigate Trust Violations

LOS ANGELES, Aug. 14.—Charles H. Carr, special assistant U. S. attorney general, arrived today and immediately launched steps to learn if labor racketeering laws and internal revenue acts have been violated in the Hollywood film industry.

Two letters from U. S. Attorney General Frank Murphy giving Carr blanket authority to proceed with the investigation were filed by Carr with the Federal court clerk here.

The first read in part:

"You are authorized to assist in the investigation and prosecution of alleged violations of Section 145, Revenue Acts of 1932, 1934 and 1936, and Section 37 of the Criminal Conspiracy Code, and such other sections that may have been violated in the cases of Joseph M. Schenck, Joseph H. Moskowitz, William Bioff, Arthur W. Stebbins, William Goetz, Darryl F. Zanuck, William B. Dover, Bertram Nayfack and Harry Kadis, former Internal Revenue agent, and any and all persons who may have been re-

(*Continued on page 2*)

50 Years of Films Draw Hays' Praise

HOLLYWOOD, Aug. 14.—The 50 years of scientific and technical advances made by the motion picture count for nothing if films fail in their primary mission of providing entertainment, Will H. Hays, M. P. P. D. A. president, said today in a press statement issued to mark the beginning of the industry's observance of the 50th anniversary of the motion picture.

Theatres throughout the country which plan to participate in the anniversary observances will begin preparations for special activities and programs at once. These activities will have their climax during the week of Oct. 1 to Oct. 7, commemorating the perfection of Thomas A. Edison's kinetoscope on Oct. 6, 1889. Special commemorative and exploitation activities will continue in the theatres throughout October and November.

After reviewing the mechanical and technical progress of the screen from its founding to date, Hays observed in his anniversary statement that "all this is nothing if the screen does not entertain, if bad taste mars the telling of the story, if through lack of artis-

(*Continued on page 8*)

Deadlock Remains In Union Warfare; Peace Hopes Live

ATLANTIC CITY, Aug. 14.—Still deadlocked but yet hopeful, the embattled unions, Associated Actors and Artistes of America and I.A.T.S.E., were still seeking a formula late today upon which to base a peaceful settlement.

William Green, A. F. of L. president, declared at 6 P. M., that the executive council decision would be rendered tomorrow afternoon and that he was "very hopeful that a settlement could be reached." Other sources were less optimistic and were inclined to believe that the executive council is purposely delaying a decision.

The council had heard and approved several reports made by the mediation subcommittee, but no final decision was reached.

Standing of the American Federation of Actors, former 4-A affiliate and now chartered by the I.A., and of Ralph Whitehead, A.F.A. executive secretary, are the chief problems, it was reported. Green pointed out that there were a number of broad questions involved and that consideration of them necessarily took a long time. He added that these questions had been sufficiently clarified to permit a decision tomorrow.

The 4-A reiterated that it would accept no compromise on the issues of its autonomy, the elimination of Whitehead and its right to control the A.F.A. The basic formula introduced by the subcommittee, it was reported, involves a referendum of the A.F.A. members in good standing in February, 1939, when the A.F.A. investiga-

(*Continued on page 2*)

FRANCE RELAXES IMPORT BARRIERS

Crowds Rush Mickey, Judy

Mickey Rooney and Judy Garland were given a tumultous reception by several thousand persons at Grand Central Station just before noon yesterday on their arrival from Bridgeport.

The rotunda was roped off and more than 100 police officers restrained the throng from mobbing the young players.

Loew's Cadet band played, Loew ushers in uniform stood at attention with welcoming banners and News of the Day took films. A reception committee of 150 boys and girls of high school age set up a cheer from the ramps.

After Mickey and Judy were rushed to safety, the reception committee was bundled into taxis and paraded the midtown section with exploitation banners.

M-G-M staged the reception as a prelude to the appearance of Mickey and Judy at the Capitol beginning Thursday with "The Wizard of Oz," the first stage show at the Broadway house in several years.

Tomorrow the young stars will hold the spotlight at a luncheon in their honor at the Waldorf-Astoria. George Jessel and Jack Haley will be masters

(*Continued on page 2*)

Lifting of Restriction Especially Benefits American Films

By PIERRE AUTRE

PARIS, Aug. 14.—The French Government, by decree published in the *Journal Officiel,* has eliminated the limitation on the importation of foreign films dubbed in French.

The measure was sought by French producers, who contended that the former quota, restricting to 188 yearly the number of dubbed foreign films shown in France, was revealed to be entirely inadequate. The reason cited was that most of the 188 dubbing visas were given to major American product, so that there were no more visas remaining for French distributors wishing to buy American independent product for supporting films on dual bills featuring French reels.

The suppression of the quota affects only those countries which admit French films without numerical or monetary restriction, such as the United States, Great Britain, Argentina, Belgium, Holland, Sweden, Mexico and Switzerland.

The measure is seen particularly as having the effect of making closer and more fair French cooperation with

(*Continued on page 8*)

U. S. Films Selected For Cannes Festival

PARIS, Aug. 14.—American companies here are actively preparing for their participation in the International Film Festival at Cannes Sept. 1.

Twelve American features will be shown, eight already having been selected, one from each of the major companies: "Only Angels Have Wings," Columbia; "The Wizard of Oz," M-G-M; "Union Pacific," Paramount; "Stanley and Livingstone," 20th Century-Fox; "Bachelor Mother," RKO; "Each Dawn I Die," Warners; "They Shall Have Music," Goldwyn-United Artists; "Three Smart Girls Grow Up," Universal.

The selection of the remaining four will be made on the advice of the American Embassy. They may include: "The Women," "Rulers of the Sea," "Modern Cinderella," or "Hotel for Women."

English and French participation, according to Festival regulations, will include only four films from each country. The English films, "Four

(*Continued on page 8*)

"When Tomorrow Comes"

[Universal]

HOLLYWOOD, Aug. 14.—This is a picture an exhibitor can sign his name to in his newspaper ads. It's the kind of film a showman phones his personal friends to come and see, sits with them while they're looking at it and doesn't worry about what they'll tell him afterward. This is, in short, a solid picture, the kind of solid picture the solid foundation of the industry is made of. This is the kind of picture every producer hopes his next one will be, but more than half doubts it, the kind of picture that sets a young director up in business for life and reflects earned glory upon a director as seasoned in his art as John M. Stahl. It's the kind of picture that starts and sustains box-office upcurves.

The stars of "When Tomorrow Comes" are Irene Dunne and Charles Boyer, last seen together in "Love Affair," which created a considerable furore and may be counted as well and widely remembered. Showmen who tell their customers that Miss Dunne and Boyer are better in this film than in that one, and that this is a better story, more plausible, coherent and convincing, will be taking no liberties with the Advertising Code rule about honesty in advertising. Showmen who announce that

(*Continued on page 8*)

Union Peace Hopes Fade In Deadlock

(Continued from page 1)

tion began. However, there are several snags on which both sides have refused to yield.

The I.A. insists that members shall be polled on their preference between the I.A. and 4-A affiliation, while the 4-A insists that it has unquestionable jurisdiction in this field.

The I.A. also seeks to have an election of officers with Whitehead as a nominee for his present post, while the 4-A demands his complete elimination.

All reports are, of course, uncertain, as official sources refuse confirmation or denial. Many informed observers believe that George E. Browne, I.A. president, will refuse any deal which eliminates Whitehead, and it is generally agreed that the 4-A will not accept any compromise which includes him.

Fifty-five stagehand locals of the I.A.T.S.E. yesterday unanimously approved the affiliation of A.F.A. with I.A.T.S.E. in their annual convention at the Hotel Commodore.

N. Y. Crowds Storm Rooney and Garland

(Continued from page 1)

of ceremonies. Among the guests will be the reception committee of 150, chosen in contests at Loew theatres.

Joseph R. Vogel, Loew executive, escorted Mickey and Judy on the trip from New England. Sunday they were the guests of Mr. and Mrs. Nicholas M. Schenck at their Long Island home. In the touring party are the youngsters' mothers, Les Peterson of the studio publicity staff; Roger Edens, music arranger, and George Stoll, orchestra leader.

Eddie Dowden of Loew's publicity staff was field marshal of the reception.

FCC Draws Rebuke In Boston Licensing

WASHINGTON, Aug. 14.—Action of the Federal Communications Commission in licensing the Northern Corporation to operate a station in Boston over the protest of the Yankee network was upheld today by the District Court of Appeals, but the Commission was severely criticized for permitting "uncontrolled competition."

Dismissing the Yankee network's appeal, which the FCC said was not contemplated by the Communications Act, Associate Justice Miller struck at the commission. Pointing out that while it argues that one of the chief concerns of Congress was to guard against monopolies and preserve competition "it is difficult to understand how this result could be achieved by deliberately or carelessly licensing so many new competing stations as to destroy already existing ones, and possibly the newly-created ones as well."

Re-Signs Del Lord

HOLLYWOOD, Aug. 14.—Columbia has signed Del Lord to a new one year contract to direct and produce 13 two-reel subjects. His first assignment will be an Andy Clyde comedy.

Purely Personal

NED E. DEPINET, RKO vice-president, returned to New York yesterday after a two weeks' visit at the studio. S. BARRET MCCORMICK, advertising and publicity director, has been delayed in Hollywood for a few additional days and is expected here tomorrow or Thursday.

•

MONTY BANKS, director in England for 20th Century-Fox productions, arrived yesterday on the *Normandie* for conferences with Darryl Zanuck, production chief, on future British films. He leaves for the Coast tomorrow. His last directorial job was "Shipyard Sally" with Gracie Fields.

•

EVARISTO G. MIRANDA manager of the Warner branch office in Recife, Brazil, was killed in the crash of the Pan-American Clipper at Rio de Janeiro Sunday. He was on his way to Rio to attend a sales meeting called by SAM E. MORRIS.

•

JOSEPH MOSKOWITZ, WILLIAM SCULLY, JAMES MULVEY, ARTHUR KELLY, SAM CITRON, HARRY GOLD, WILLIAM FITELSON, ABE WAXMAN and JACK MILLS lunching at BOB GOLDSTEIN'S Tavern yesterday.

•

WILLIAM F. RODGERS, TOBY GRUEN, CHARLES E. MCCARTHY, GEORGE SKOURAS, MAX A. COHEN, WILLIAM BRANDT, ED SAUNDERS and JOSEPH FRITSCH at Nick's Hunting Room in the Astor for lunch yesterday.

•

WILLIAM C. GEHRING, 20th Century-Fox central division manager, left last night for Chicago to continue negotiations on a new season product deal with the Great States circuit.

•

C. M. ROBSON, Eastern division manager of Famous Players Canadian, Toronto, is recovering slowly from a heart attack suffered following the annual managers' convention at Niagara Falls.

•

WILLIAM H. GUERINGER, former assistant general manager of the Saenger Amusement Co., is recuperating from an operation at the Baptist Hospital in New Orleans.

•

DORIS LOUISE ORR, daughter of WILLIAM A. ORR, Loew executive, and MRS. ORR, has announced her engagement to WILLIAM SPENCER DOIG of Brooklyn.

•

HENRY R. LUCE, publisher of *Time*, and his wife, CLARE BOOTH, author of "The Women," arrived yesterday on the *Normandie*.

•

Mrs. HARRY CHARNAS, sister of the WARNER brothers, is sailing on the *Normandie* tomorrow.

•

I. E. LOPERT, president of Juno Films, Inc., returned from the coast yesterday.

•

AL ADAMS, Republic advertising and publicity chief, returns from a vacation today.

•

L. W. CONROW, Altec president, has returned to New York from Washington.

•

MR. and MRS. HARRY FISHMAN of New Haven are vacationing in the Berkshires this week.

N. L. NATHANSON, president of Famous Players Canadian, bought two young racing thoroughbreds for his racing stable during his recent visit to Saratoga.

•

ROBERT STEVENSON, English director, who arrived on the *Normandie* from England yesterday, left immediately for Hollywood to start his first assignment for DAVID O. SELZNICK. He was accompanied by his wife, the former ANNA LEE, actress, and their year-old daughter.

•

PHYLLIS BROOKS, RKO player, leaves for the Coast today. CARY GRANT is remaining in New York a few additional days to assist RUTGERS NEILSON with publicity on the Music Hall engagement of "In Name Only."

•

STEPHEN VINCENT BENET, novelist, has been signed by RICHARD A. ROWLAND (United Artists) to adapt BESS STREETER ALDRICH'S novel, "Miss Bishop," which will be filmed as "Three Cheers for Miss Bishop."

•

CHARLES C. PETTIJOHN, M.P.P.D.A. general counsel, and his son, CHARLES, JR., were received in private audience at the Vatican in Rome Saturday.

•

FRANK DONOVAN, production manager of RKO Pathe, is vacationing at Nassau Point, L. I. His assistant, LOUISE ROUSSEAU, flew to the Coast last week.

•

NAT GOLDSTONE of Hollywood sails today on the *Normandie*. MR. and MRS. LESLIE HOWARD also have reservations on the ship.

•

WALTER HAYNER, district manager for M-G-M in Toronto, is resting comfortably in a hospital following a recent heart attack.

•

LEONARD GOLDENSON, Paramount home office theatre executive, has returned to New York from Detroit.

•

LOUIS D. FROHLICH of the law firm of Schwartz & Frohlich has returned from a brief vacation at Saratoga.

•

PETER A. LEWIS of the Film Board of Trade celebrated the first anniversary of his marriage yesterday.

•

FRANK ROEHRENBECK, WHN station manager, has left for a two-week fishing trip at Alexandria Bay.

•

Altec Inspector C. W. KENT will be married to MARY O'DELL Sept. 2.

NLRB Will Hear Padway on Coast

LOS ANGELES, Aug. 14. — While I.A.T.S.E. leaders announced the closed shop feature of the bargaining contract obtained Saturday from the producers would not become operative for 30 days, the National Labor Relations Board today postponed its hearing into the jurisdictional dispute between I.A.T.S.E. and the United Studio Technicians Guild from Aug. 16 to Aug. 21. The delay was ordered to permit Joseph Padway, general American Federation of Labor counsel, to participate in the hearing.

Labor Racket Probe Opens In Hollywood

(Continued from page 1)

lated in same or related transactions."

The second read in part:

"The Department is informed that I.A.T.S.E. and its members, agents and employes; Local Unit No. 37[illegible] I.A.T.S.E. and its members, agents and employes; George E. Browne, William Bioff, Motion Picture Producers, Inc., Association of Motion Picture Producers, Inc., Loew's, Inc., Irving Trust Co. of New York as trustee in bankruptcy for RKO, Warner Bros. Pictures, Inc., Century-Fox Corp., United Artists Corp., the officers, agents and employes of said mentioned corporations and other corporations, companies, associations and persons unknown to the Department have violated in the Southern district of California and in other judicial districts Sections One and Two of the Sherman Anti-Trust Act (Sections One and Two of Title 15, United States Code), and Section Six of the Clayton Act (Section 17 of Title 15, U.S.C.) by contracting, combining, monopolizing and conspiring to do so in restraint of trade; have obtained and attempted to obtain by force, violence or coercion the payment of moneys or other valuable considerations in violation of so-called anti-Racketeering Act of June 18, 1934 (Section 421-425, inclusive, Title 18, U.S.C.), and having conspired to do so in violation of the conspiracy code."

Carr said the quiz would be divided into three cases: The deal under which 20th Century Productions, Inc., took over Fox Films Corp.; the reported $100,000 "payoff" in 1937 by producers to Bioff, then personal representative of Browne, I.A.T.S.E. president, and the personal income tax of Joseph M. Schenck.

Carr said his investigation would require from three to four months.

TMAT Hearing Delayed

Hearing before N. Y. State Labor Relations Board on the petition of M. P. Division of Theatrical Managers, Agents and Treasurers for designation as collective bargaining agency in the Rugoff & Becker circuit was postponed yesterday until Aug. 21.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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What about Paramount TRAILERS?

Paramount's announcement to the trade, in May of this year, that it would produce and distribute its own screen trailers, has aroused gratifying interest in the field. Showmen everywhere have been writing in to tell how glad they are that we have taken this forward-looking, constructive step. Many of them ask for more detailed information. Most of them make suggestions based on their own experience with trailers. Because the queries in the letters we are receiving hit a common pattern, Paramount takes this opportunity to answer some of them for EVERY exhibitor.

Q. WHEN will Paramount begin to service its trailers?

A. The first Paramount trailer on the new set-up will be issued for the Paramount picture to be released January 5, 1940.

Q. WHY is Paramount undertaking to supply its own studio-made trailers?

A. Paramount believes that a trailer planned, made and distributed by the men who make the picture can be packed with more showmanship, more originality, and more right-on-the-picture selling power than a trailer made any other way.

Q. WHO will plan and make the new Paramount trailers?

A. YOU will! Paramount, for months, has been contacting showmen everywhere; learning through interviews, letters, questionnaires, what EXHIBITORS think a successful selling trailer should be—getting ideas for unusual presentations, new selling approaches. PARAMOUNT'S TRAILERS WILL BE THE TRAILERS YOU ASK FOR —in every sense of the phrase!

Q. WHAT sort of trailers will Paramount supply—will they suit MY audience?

A. Most emphatically they will. At present, Paramount plans to issue two styles of trailer for each picture — a De Luxe trailer for first-run houses, a regular trailer for subsequent runs. These will be styled to SELL the audiences they're made for, in the manner that's best for each picture.

Q. HOW will Paramount trailers differ from other trailers?

A. They'll be different in that they will be YOUR trailers—made by showmen for showmen, planned with *your* suggestions in mind! Paramount will continually check the field for criticism, new ideas, new selling slants. And Paramount will use YOUR ideas.

PARAMOUNT TRAILERS

ARE YOUR TRAILERS!

THE ROLL CALL OF SUCCESS!

CLEAN SWEEP OF SMASHING

FOR THE GREATEST WOMAN'S



177% OF TOP BUSINESS

LOS ANGELES "Absolutely the biggest Friday business in years . . . tops everything we ever had!"



150% OF TOP BUSINESS

ASHEVILLE, N. C. "Biggest Friday opening in years. Audience reaction and reviews marvelous."



131% OF TOP BUSINESS

ROCHESTER "A box-office smash. Beat everything in sight!



175% OF TOP BUSINESS

SAN FRANCISCO "Seems like all the women in town were waiting for this . . . and they all came at once to see it!



120% OF TOP BUSINESS

STAMFORD "Women wild about picture . . . sock business in Waterbury and Danbury too."

IRENE DUNNE and CHARLES BOYER

UNIVERSAL'S PRESENTATION of

TEN WEEK-END OPENINGS AND A RECORD BREAKING GROSSES PICTURE IN TWENTY YEARS!



165% OF TOP BUSINESS

SYRACUSE "Excellent smash opening with Boyer and Dunne dynamite with audience."



135% OF TOP BUSINESS

CINCINNATI "It slayed the gals for a better opening than any Universal picture in two years!"



125% OF TOP BUSINESS

NEW ORLEANS "Biggest day's business in months!"



153% OF TOP BUSINESS

LOUISVILLE, KY. "Exceptional! Almost double the previous big ones we've had!"



156% OF TOP BUSINESS

SEATTLE "Best opening in months. Comments excellent. The femmes are in hysterics about it!"

in "WHEN TOMORROW COMES!"

JOHN M. STAHL'S TOP TRIUMPH!

Coast Active, 35 Features Now in Work

HOLLYWOOD, Aug. 14.—Thirty-five pictures were before the cameras this week, as 10 started and eight finished. Twenty-six are being prepared, and 85 are being edited.

Started were: "Beware of Spooks," Columbia; "Fast and Furious," M-G-M; "Murder in the Big House," Monogram; "Victor Herbert," Paramount; "Abe Lincoln in Illinois," RKO; "Too Busy to Work," "High School," 20th Century-Fox; "Tower of London," "Listen Kids," Universal; "Four Wives," Warners.

In addition to these, shooting were: "Sundown in Helldorado," Columbia; "Another Thin Man," "Balalaika," "Remember," "Northwest Passage," M-G-M; "Dr. Cyclops," "Untamed," "Typhoon," "Diamonds are Dangerous," "Federal Offense," "Remember the Night," Paramount; "The Hunchback of Notre Dame," "Allegheny Frontier," "Three Sons," "Vigil in the Night," RKO; "Calling all Marines," Republic; "Drums Along the Mohawk," 20th Century-Fox, "First Love," "Rio," "Call a Messenger," Universal; "20,000 Years in Sing Sing," "The Roaring Twenties," "We Are Not Alone," "Lady Dick" "Philo Vance Returns," Warners.

Finished were: "Prison Surgeon," Columbia; "Ninotchka," M-G-M; "The Light That Failed," Paramount; "Here I Am a Stranger," 20th Century-Fox; "Legion of Lost Flyers," "Chip of the Flying U," Universal; "Eternally Yours," Wanger; "On Your Toes," Warners.

M-G-M started two short subjects, and RKO one. M-G-M finished one. A total of three is being prepared, and 11 are being edited.

'Chips' Montreal Leader at $6,800

MONTREAL, Aug. 14.—"Goodbye, Mr. Chips" continued strong at Loew's, with $6,800 for its third week. "Andy Hardy Gets Spring Fever" took $6,800 at the Palace, while "Winter Carnival," on a dual at the Orpheum, grossed $2,300 for a second week. The weather was hot.

Estimated takings for the week ending Aug. 11:

"Stolen Life" (Para.)
"Grand Jury Secrets" (Para.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $4,000. (Average, $8,000)
"Goodbye, Mr. Chips" (M-G-M)
LOEW'S—(2,800) (30c-40c-60c) 7 days, 3rd week. Gross: $6,800. (Average, $8,000)
"Winter Carnival" (U. A.)
"The Girl and the Gambler" (RKO)
ORPHEUM — (919) (25c-35c-50c) 7 days, 2nd week. Gross: $2,300. (Average, $5,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $6,800. (Average, $11,000)
"The Magnificent Fraud" (Para.)
"Million Dollar Legs" (Para.)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $2,800. (Average, $6,500)

Start West Indies Film

Lenwal Productions, Inc., have started shooting on a feature in Jamaica, British West Indies, tentatively titled "Daughters of the Isle of Jamaica." Arthur Leonard is the producer of the film, based on a story by George Twillinger. George O. Walbridge, II, is president and treasurer of the company.

Hollywood Previews

"Dust Be My Destiny"

(Warners)

HOLLYWOOD, Aug. 14.—Man's injustice to man in its many phases has been generally good box-office material. Warners' "Dust Be My Destiny" presents a new embellishment of the theme in a story of a "road kid," who, embittered because of his conviction for a crime of which he was innocent, takes on a hardened attitude toward life. The basic elements of the story are not new, but the generality implied, the understood supplication on behalf of all "road kids," and the work of John Garfield and several character actors provide stirring entertainment.

Teamed for the third time with Priscilla Lane, Garfield again gives a performance which merits attention. Outstanding in the couple's support are Alan Hale, whose characterization as an editor of a newspaper helps atone for abortive newspaper-type portrayals by others; Moroni Olsen, whose appeal to the jury trying the "road kid" for murder is a work of thespian art; and Ferike Boros, who burnishes the fame won by her in a bit in RKO's "Love Affair" by a short but powerful scene here.

Of interest to exhibitors is the fact that the story was adapted by Robert Rossen from a Jerome Odlum novel which was widely read. Lewis Seiler directed under associate producer Louis F. Edelman. Hal B. Wallis was executive producer.

In addition to those mentioned, the cast consists of Frank McHugh, Billy Halop, Bobby Jordan, Charley Grapewin, Henry Armetta, Stanley Ridges, John Litel, Victor Kilian, Frank Jaquet, Marc Lawrence, Arthur Aylesworth, William Davidson and George Irving, a competent group.

Garfield, a disillusioned young man, is turned out of prison to which he was sent for a crime he did not commit only to run afoul of the vagrancy law. He escapes from a road gang under suspicion of murder with the daughter of the dead prison official. Followed by detectives and hounded by them, Garfield rehabilitates himself only to be detected. The return of his faith in human nature forms the climax.

Running time, 85 minutes. "G."* VANCE KING

"Chicken Wagon Family"

(20th Century-Fox)

HOLLYWOOD, Aug. 14.—Give a ranking box-office star like Jane Withers a story as widely known as Harry Benefield's "Chicken Wagon Family," surround her with such able players as Leo Carrillo, Spring Byington, Hobart Cavanaugh, Marjorie Weaver and Kane Richmond, and how can you miss? Well, you probably could at that, but 20th Century-Fox didn't.

On the contrary, Viola Brothers Shore broke the Benefield novel down into a straightaway screenplay, Herbert L. Leeds directed it for precisely what it was worth and Miss Withers poured into her part of it the lively personality that has made her the favorite she is. Carrillo gave it his immense personal vitality and Cavanaugh balanced this with his versatile humor. Miss Byington held the family of the title together, while Marjorie Weaver and Richmond went through the romantic requirements without making them seem important at any time.

As is generally known, the story is about an itinerant merchant who takes his family, under pressure, from the back roads of the deep South to the canyons of New York City, experiencing there the sort of adventures, comic and dramatic, that such a family would. The film is no more and no less than that, no milestone in the progress of the art and no detour either, a satisfactory Jane Withers vehicle, which is to say quite satisfactory entertainment, indeed.

Running time, 65 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

'Day' Charity Opening

The American premiere of "The End of a Day," French film, at Filmarte Sept. 11, will be sponsored by Daniel Frohman, Otis Skinner, Katharine Cornell, Walter Hampden, May Robson, George M. Cohan and Katharine Hepburn for the benefit of The Actors' Fund of America.

French Film to Open

The American premiere of "Song of the Streets," new French film released here by Arthur Mayer and Joseph Burstyn, will be held at the 55th St. Playhouse early next month.

Lopert Returns

I. E. Lopert, president of Pax Films, returned yesterday from a five-week business and pleasure trip to Hollywood. He is preparing a national campaign on "The End of a Day," a French picture scheduled to have its American premiere at the Filmarte theatre September 11.

Chicago Outing Held

CHICAGO, Aug. 14. — Manheim Woods was the scene of the annual outing of the Chicago film carriers and their friends yesterday. More than 200 attended.

'Music' Takes Frisco Lead With $12,000

SAN FRANCISCO, Aug. 14.—"They Shall Have Music" was strong in the lead here, with $12,000 at the United Artists. "Hotel for Women," paired with "Quick Millions" at the Warfield, drew $15,000.

Estimated takings for the week ending Aug. 8-11:

"Bachelor Mother" (RKO)
GOLDEN GATE — (2,850) (35c-40c-55c) 7 days, 2nd week. Stage: Vaudeville. Gross: $15,500. (Average, $15,000)
"Coast Guard" (Col.)
"Blondie Takes a Vacation" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-55c) 7 days. Gross: $7,000. (Average, $8,000)
"Goodbye, Mr. Chips" (M-G-M)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 7th week. Gross: $4,000 (Average, $6,000)
"Spring Fever" (M-G-M)
"Bulldog Drummond's Bride" (Para.)
FOX—(5,000) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $11,000. (Average, $16,000)
"Frontier Marshal" (20th-Fox)
"6,000 Emenies" (M-G-M)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $8,000. (Average, $11,500)
"They Shall Have Music" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days. Gross: $12,000. (Average, $8,000)
"Hotel For Women" (20th-Fox)
"Quick Millions" (20th-Fox)
WARFIELD — (2,680) (15c-30c-35c-40c) 7 days. Gross: $15,000. (Average, $12,000)
"Three Waltzes" (Vedis)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $1,100. (Average, $1,000)
"Gypsy Baron"
LARKIN—(390) (15c-35c-40c) 7 days, 2nd week. Gross: $750. (Average, $1,000)

Clevelanders Give 'Dawn' Big $16,000

CLEVELAND, Aug. 14.—"Each Dawn I Die" was the top attraction of a good week. It went to $16,000 at Warners' Hippodrome. "Bachelor Mother" at the Allen went over very well, taking $7,000. The weather was clear and cool.

Estimated takings for the week ending Aug. 11:

"Bachelor Mother" (RKO)
ALLEN—(3,000) (30c-35c-42c) 7 days, 2nd week. Gross: $7,000. (Average, $4,000)
"Each Dawn I Die" (W. B.)
WARNER'S HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: $16,000. (Average, $11,000)
"Hotel For Women" (20th-Fox)
RKO PALACE — (3,100) (30c-35c-42c) 7 days. Gross: $6,000. (Average, $8,000)
"The Man in the Iron Mask" (U. A.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $11,500. (Average, $11,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $4,500. (Average, $4,000)

Blue Laws Lock Up Delaware Theatre

WILMINGTON, Del., Aug. 14.—Application of the Sunday blue laws in Delaware closed the Blue Hen Theatre last night. The ancient laws forbid any worldly work on the Sabbath, and were passed originally in 1795.

Caleb M. Wright of Georgetown, attorney for Charles S. Horn, owner of the Blue Hen, said efforts will be made to arouse public interest in the laws, probably by a "strict enforcement" programs. Horn and three employes each were fined $4 and costs, their third consecutive Sunday arrest. Although Sunday films are prohibited in Delaware, Horn has been operating during the Summer for the past four years.

'Dawn' Draws $7,100, Tops Seattle Heat

SEATTLE, Aug. 14.—"Each Dawn I Die" and "Bulldog Drummond's Bride" cleared $7,100 at the Orpheum, and "The Man in the Iron Mask" and "Nancy Drew, Trouble Shooter," drew $7,000 at the Paramount. Extreme heat and night baseball took their toll of other grosses.

Estimated takings for the week ending Aug. 11:

"Andy Hardy Gets Spring Fever" (M-G-M)
"Torchy Runs for Mayor" (20th-Fox)
BLUE MOUSE—(950) (25c-30c-40c-55c) 7 days, 3rd week. Gross: $3,100. (Average, $4,000)

"Daughters Courageous" (W. B.)
"The Saint in London" (RKO)
FIFTH AVENUE—(2,500) (25c-30c-40c-55c) 7 days. Gross: $6,500. (Average, $7,000)

"Blondie Takes a Vacation" (Col.)
"A Woman Is the Judge" (Col.)
LIBERTY—(1,800) (25c-30c-40c-55c) 7 days. Gross: $3,700. (Average, $5,000)

"Good-bye, Mr. Chips" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 6th week. Gross: $4,000. (Average, $5,000)

"Each Dawn I Die" (W. B.)
"Bulldog Drummond's Bride" (Para.)
ORPHEUM—(2,450) (25c-30c-40c) 7 days. Jay Clarke, mentalist, on stage. Gross: $7,100. (Average, $6,000)

"Should Husbands Work" (Repub.)
"Mr. Moto Takes a Vacation" (20th-Fox)
PALOMAR—(1,500) (15c-25c-30c-40c) 7 days. Vaudeville headed by Prosper & Merit. Gross: $4,100. (Average, $5,000)

"The Man in the Iron Mask" (U. A.)
"Nancy Drew, Trouble Shooter" (War.)
PARAMOUNT—(3,050) (25c-30c-40c) 7 days. Gross: $7,000. (Average, $6,000)

Grainger Back After Saenger Circuit Deal

James R. Grainger, Republic president, returned yesterday morning from New Orleans where he closed the Saenger circuit deal for the new season. He left last night for Detroit on another circuit deal and is due back tomorrow.

The Saenger contract covers 123 theatres in the South. Arthur C. Bromberg, Atlanta franchise holder; Clair E. Hilgers, Southern district manager, and Leo Seicshnaydre, New Orleans branch manager, sat in with Grainger on the negotiations. Gaston Dureau and L. C. Montgomery represented the circuit.

'Mask' Pittsburgh Hit, Draws $15,000

PITTSBURGH, Aug. 14.—"The Man in the Iron Mask" at Loew's Penn built to a profitable $15,000. "Each Dawn I Die" took a strong $17,000 at the Stanley.

Estimated takings for the week ending Aug. 10:

"Frontier Marshal" (20th-Fox)
ALVIN—(1,900) (25c-35c-50c) 7 days. Gross: $5,000. (Average, $7,000)

"Man in the Iron Mask" (U. A.)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days. Gross: $15,000. (Average, $13,000)

"Each Dawn I Die" (W. B.)
STANLEY—(3,600) (25c-35c-50c) 7 days. Gross: $17,000. (Average, with stage show, $17,000)

"Bachelor Mother" (RKO)
WARNER—(2,000) (25c-40c) 7 days, 2nd week. Gross: $7,500. (Average, $5,000)

Open UA Africa Office

United Artists has opened new offices in Johannesburg, South Africa, following the arrival there of A. A. Lowe, managing director for South Africa, the home office reports.

Theatre, Personnel Notes

Several Open in Canada

TORONTO, Aug. 14.—Charles DePaul of Sault Ste. Marie, Ont., has opened the rebuilt Princess in that city. Seating capacity has been increased from 470 to 967. The Vogue has been opened at Leamington, Ont., by L. Gregory, owner of two theatres of Hamilton. Gregory is also building the Geneva at Orillia, Ont., which is to open Sept. 1. T. Allevato, proprietor of the Allevato, Rouyn, Que., is constructing a new theatre at Wallaceburg, Ont., while H. J. Sutherland of St. Mary's, Ont., owner of a group of small town theatres, has started a theatre at Mitchell, Ont. Mrs. Joshua Smith, publisher of the *Moving Picture Digest*, has combined with T. M. Sterling, Toronto broker, in the purchase of the Avenue, a new theatre.

Settos Transfers Men

INDIANAPOLIS, Aug. 14.—Because of expansion in the Settos Theatres Circuit, George Settos, manager, has promoted and transferred several managers. Phillip Davidson, formerly manager at the Grove, Beech Grove, will manage the newly acquired Irving. Richard Nieman, assistant manager of the Ohio, will replace Davidson. Harold Fleming will be assistant manager at the Ohio.

Rosener Sets Plans

SEATTLE, Aug. 14.—Herbert Rosener, foreign film exhibitor of the Pacific Coast, will show his programs in the downtown Metropolitan here this season. Shows will be booked each week that the theatre has no legitimate stage attraction or concert scheduled. The opening is set for Sept. 11.

McCourt Albee Manager

PROVIDENCE, Aug. 14.—New England's RKO manager Harry MacDonald has named William McCourt of the Keith Memorial, Boston, manager of the RKO Albee here when it reopens, until Labor Day when the regular manager, William Cavanaugh, will take over.

Two Iowa Houses Bought

DYSART, Ia., Aug. 14.—Otto Reinke has bought the Dysart here from Howard Pollard, who also operates the Reinbeck in Reinbeck, Ia. Pollard has bought the Dows at Dows, Ia., from L. E. Carter, and will remodel the house before reopening it shortly.

Form Cherokee Theatres

COLUMBIA, S. C., Aug. 14.—Cherokee Theatres, Inc., of Gaffney was recently incorporated with capital stock of $15,000. Officers are H. H. Everett, president, F. H. Beddington, vice-president, and F. J. Powell, secretary-treasury.

Buys Ohio Theatre

MARION, O., Aug. 14.—H. C. Patterson, of Blanchester, O., has purchased the Oakland, subsequent run here, from L. J. Flautt, Columbus. The house is scheduled to reopen Sept. 1, as a unit of Bowman Theatres, Inc.

Plans Florida Theatre

MILTON, Fla., Aug. 14.—M. F. Greene, local businessman, has started remodeling a building for use as a theatre. Opening will be early in September.

Folson to Monogram

DES MOINES, Aug. 14.—Glen Folson, with the local Warner exchange the past three years as assistant booker and ad sales manager, has been appointed booker at the Des Moines Monogram exchange.

To Open Tent Theatre

MILTON, Fla., Aug. 14.—Dozier Roberts, manager of the local Imogene, who has just left on a vacation trip, plans to open a tent theatre in this city, Dec. 1. It will seat about 300.

Levin RKO Booker

NEW HAVEN, Aug. 14.—Stanley Lewis Levin of Waterbury has been appointed assistant booker at the RKO exchange, succeeding Harry Schantz, resigned.

Skirball Building House

MASSILON, O., Aug. 14.—Work has been started here on the new theatre to be erected by Skirball Bros. of Cleveland. It will cost about $100,000.

Remodel in Pittsburgh

PITTSBURGH, Aug. 14.—More than $100,000 is being spent by William Finkel to remodel the Arcade. It will be reopened on Labor Day.

Harold Snyder Shifted

LANCASTER, O., Aug. 14.—Harold Snyder, manager of Shea's Bexley at Dover, O., has been transferred here as manager of the Lyric.

Menold Buys Theatre

NASHUA, Ia., Aug. 14. — C. A. Menold of Strawberry Point, Ia., has bought the Cass here from the Cass Theatre Corp., of Sumner, Ia.

Remodel Texas Theatre

TERRELL, Tex., Aug. 14.—The Iris, operated by Leaman Marshall and Robb & Rowley has been remodeled, and will reopen shortly.

To Build in Colorado

DENVER, Aug. 14.—A new theatre at Longmont, Col., will soon be opened by Fox. A garage is being remodeled into an 800-seat house.

Schneider Manages Cameo

Dave Schneider has taken over the operation of the Cameo, Bronx.

8 Majors Challenge NLRB in SWG Case

LOS ANGELES, Aug. 14.—Eight major producers today filed answers to N.L.R.B. charges that they had violated the Wagner act in dealing with the Screen Writers Guild and moved for dismissal of the complaint.

They declared that the Board has no jurisdiction in the matter, contending that the industry is not engaged in interstate commerce and that writers are not employes in the true meaning of the Wagner act.

Pointing out that they had attempted to negotiate with S.W.G., producers asserted that Guild officers and negotiators repeatedly walked out of conferences.

The N.L.R.B. hearing starts Thursday.

'Desire' with Vallee $19,300 Minneapolis

MINNEAPOLIS, Aug. 14.—With a combination of "Stronger Than Desire" and Rudy Vallee on the stage, best business of the week was done at the Orpheum, $19,300. "Andy Hardy Gets Spring Fever" did a handsome $7,900 at the State.

In St. Paul, "Bachelor Mother" led with $5,400 at the Paramount.

Estimated takings for the week ending Aug. 10:

Minneapolis:

"Ex-Champ" (Univ.)
"Parents on Trial" (Col.)
ASTER—(15c-25c) 7 days. Gross $2,000. (Average, $1,500)

"Unexpected Father" (Univ.)
CENTURY—(25c-40c) 7 days. Gross: $2,100. (Average, $4,000)

"Blondie Takes a Vacation" (Col.)
"Magnificent Fraud" (Para.)
GOPHER—(25c) "Fraud," 5 days; "Blondie," 2 days. Gross: $2,600. (Average, $2,500)

"She Married a Cop" (Rep.)
Minnesota (15c-30c) 7 days. Savoy stage show. Gross: $7,000. (Average, $7,000)

"Stronger Than Desire" (M-G-M)
"Bachelor Mother" (RKO)
ORPHEUM—(40c-55c) "Desire" and Vallee 5 days; "Mother," 2 days. Gross: $19,300. (Average, $4,800)

"Andy Hardy Gets Spirng Fever" (M-G-M)
STATE—(25c-40c) 7 days. Gross: $7,900. (Average, $4,400)

St. Paul:

"Miracles for Sale" (M-G-M)
ORPHEUM—(25c-40c) 7 days. Gross: $2,100. (Average, $3,200)

"Bachelor Mother" (RKO)
PARAMOUNT—(25c-40c) 7 days. Gross: $5,400. (Average, $4,000)

"Captain Fury" (U. A.)
RIVIERA—(25c) 7 days. Gross: $2,400. (Average, $1,800)

"6,000 Enemies" (M-G-M)
"Five Came Back" (RKO)
TOWER—(25c) 7 days. Gross: $2,300. (Average, $1,500)

"Eagle and the Hawk"
WORLD—(25c-35c) 7 days, 2nd week. Gross: $700. (Average, $700)

Pioneer Theatres Meeting Thursday

DES MOINES, Aug. 14.—Harold D. Field, president of the Pioneer Theatre Corp., has completed plans for the ninth annual meeting of Pioneer theatre managers at the home office, St. Louis Park, Minnesota, Thursday, Friday and Saturday.

Executives and managers planning to attend the meeting are: Harold D. Field, Frank D. Rubel, Bernard Docken, Gertrude Framhein, Jeannette Michels, Harold Kaplan. Managers include: Clifford Lindblad, Iowa Theatre, Atlantic; Don Smith, Earle, Carroll; Bill Arts, State, Carroll; Trudy Bell, Grand, Atlantic; Marion Parkinson, Spencer, Spencer; Gordon McKinnon, Perry and Roxy, Perry; Art K. Farrell, Rapids, Rock Rapids; Millard Gettier, Webster, Webster City; Ray Hillary, Royal, Spirit Lake; Percy Long, Iowa and Howard, Jefferson; Harold Achenbach, Isis, Webster City: Herman Fields, Clarinda.

Lury in 'U' Foreign Post

J. H. Seidelman, Universal vice-president in charge of foreign affairs, announces the appointment of Robert M. Lury to the Japanese office. Lury sails today to take up his new duties. Lury has for the last five years been associated with MGM in Japan, Manchuria and as general manager in the Dutch East Indies.

Studios Pay Good Wages, Say Statistics

HOLLYWOOD, Aug. 14.—Just in case the news didn't trickle over the mountains, the California State Department of Employment's statistical report released the other day declared motion picture employes get more than twice as much pay for their chores as the employes of other industries. The conclusion was arrived at a little indirectly. Payroll of the industry at peak, said the report, totalled $144,663,000, which approximated 7.2 percent of the state total for all industries, whereas the peak employment figure, 44,275 persons, approximated 3.3 percent of the total number of persons employed in California industries.

Since 3.3 percent is less than half of 7.2 percent, said the report, the average employe must be getting more than twice as much as the average employe in other industries. These are the kind of statistics, says Hollywood, which a person can take or let alone, most of Hollywood's working people electing to let them alone and proceed with their dickering for higher wages, shorter hours and *etcetera.*

SCOTT R. DUNLAP, vice-president of Monogram, will leave for New York and the board of directors' meeting Aug. 24. He'll stay a few weeks.

S. CHARLES EINFELD, Warner director of advertising and publicity, leaves for New York Aug. 18 to direct some advertising and publicity from there for a fortnight.

RUSSELL BIRDWELL is inviting all 550 of Hollywood resident correspondents to the press preview of RKO's "Nurse Edith Cavell" and that, at two for one, equals 1,100 seats, leaving approximately none for the paying public, which usually sits through an afternoon and dinner hour to be there when pictures like this come around, and at best a few for the stellar guests such people come to gape at. But the miles of pure news publicity BIRDWELL will obtain for the picture in the world press will be more than compensating.

WILLIAM LE BARON, Paramount production chief, is so well satisfied with the as yet uncompleted "Dr. Cyclops," described loosely as a fantasy, that he has purchased the rights to H. G. Wells' "Food for the Gods," described as another.

RAY LOCKWOOD, British director of "Mutiny of the Elsinore," is in Hollywood interviewing top talent with respect to the matter of going to London to appear in some pictures. Fame of his picture had preceded him and so many people wanted to see it that he set out to find a print to show them. It took him four days to find out who in California had one. What's that about a prophet!

After sending up a trial balloon via the syndicated columns to find out how people felt about it, Warners are announcing that "Test Number 606," with EDWARD G. ROBINSON playing the Dr. Paul Ehrlich, who discovered the cure for syphilis, will be "one of their top ones for 1939-'40" with WILLIAM DIETERLE directing as soon as he winds up RKO's "Hunchback of Notre Dame," which should get the picture started in September.

"When Tomorrow Comes"

[Universal]

(*Continued from page* 1)

Miss Dunne and Boyer turn in just about the best he-and-she romantic performances of recent date will also be sustained by that same.

The story of "When Tomorrow Comes" is quite simple. A famous musician meets a waitress who knows music as well as menus. They spend an afternoon together on Long Island, seek refuge in a church when a hurricane sweeps the area, go to sleep expecting death and awake (no Commandments are broken) to find themselves marooned but about to be rescued. He tells her he is married and a subsequent meeting with his wife tells her that the latter is demented. In a lucid interval, the wife tells the waitress she intends to keep her husband. The husband takes the wife to Paris and tells the waitress he will be back in a little while. She says she'll be waiting.

The telling of this story is what makes the picture great—the telling, which is John Stahl's, and the acting, which is the stars' and Barbara O'Neil's (incomparable as the demented wife) and Nydia Westman's (effective in a light comedy stint). The story itself is by James Cain, the screenplay by Dwight Taylor, a fine example of straight-line narrative.

There is no trickery about this picture, no dependence upon novelty of idea or construction, and no striving for tremendous results. A restaurant workers' strike is a prominent incident in the picture and, although C. I. O and A. F. L. are talked about by name, no sides are taken and no issues are decided. This matter, like the hurricane, is dealt with as an incident in the main story, which is about two adults who would like to marry but can't just now so decide to wait a bit. If that sounds too commonsense and reasonable to make good entertainment, don't be deceived. It's just that commonsense and reasonable sort of material that all of the big pictures in this big industry are measured and remembered by.

Running time, 90 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

Film Import Rules Relaxed by France

(*Continued from page* 1)

American and British producers. It will also allow other pictures, from Argentina, Sweden and Mexico to obtain dubbing visas for showing in France without limitation. These countries are excellent customers for French product.

The importation of German and Italian films for French dubbing will continue to be limited, in accordance with clearing house monetary exchanges and special commercial agreements.

Major American companies are particularly gratified by the lifting of the restriction, expressing the hope, however, that it will not reappear next July.

U. S. Films Selected For Cannes Festival

(*Continued from page* 1)

Feathers" and "Goodbye, Mr. Chips," already have been selected.

French participation was officially announced on Saturday by Jean Zay, Minister of National Education. The four French films will be "Angels from Hell," "Law of the North," "Man of the Niger" and a documentary feature, "France Is an Empire."

Many short subjects will be shown, including Disney subjects, March of Time's "March of the Movies" and French and English documentary shorts.

Other participating countries are Russia, four features; Sweden, two; Belgium, "Dark Rapture" and three documentaries; Holland, Poland and Egypt.

Norma Shearer, Robert Montgomery and French and British stars will attend the opening of the Festival.

Half Century Of Films Wins Hays' Praise

(*Continued from page* 1)

try the intelligence of the audience is insulted."

Hays continued: "The efforts of the cameraman, the work of the sound engineer, the genius of the musician, all these may as well be thrown out the window if the picture fails in its mission of entertainment."

Hays cited 39 new season films of more than usual promise, all of which will be released during the period of the anniversary observance.

"Today the better products of the screen are addressed to a universal audience," he said, "and film entertainment covers the whole gamut of drama, history, literature and life. The opera has been brought to the crossroads theatre, the social drama of the stage has been put upon the screen, and the new audience drawn to the theatre is a backlog of support for the highest entertainment themes which the screen can project."

"Finally," he continued, "this period of the motion picture's anniversary marks the emergence of the screen as an increasingly significant social as well as entertainment force . . . within the function of entertainment and recreation demanded of the screen, pictures (are) produced that are outstanding social as well as entertainment contributions of the day."

Hays points to the industry's attempt at self-regulation and observes that: "It may be that future historians will mark as a great milestone in the art the period when the screen developed a sense of public responsibility. That is the basis of the industry's self-regulation which has added vastly to the dignity and significance of the art."

Bondy Signs SEC Plea in RKO Case

Federal Judge William Bondy late yesterday signed an order of reference requesting the Securities and Exchange Commission to enter the RKO reorganization proceedings in an advisory capacity. Action was taken under provisions of the Chandler Act for corporate reorganizations.

Marland Gale, attorney, for the S. E. C., filed a notice of appearance in the case immediately. The first work the S. E. C. will do will be to assist Special Master George W. Alger to determine whether the indicated price of $4 per share for the new RKO common stock, as suggested in the Atlas Corp.'s underwriting proposal, is a fair one and whether the proposal itself should be accepted. The Atlas offer was referred to Alger by Judge Bondy last week.

Judge Bondy Approves Incorporation of RKO

Federal Judge Bondy yesterday signed an order approving the form of the certificate of incorporation of the new RKO Co., including proposed amendments to the certificate providing for the issuance of 8,000,000 shares of common stock and 127,000 of preferred.

The order also approved by-laws of the company and the form of preferred and common stock certificates and option warrants.



Better sound means better box office—and RCA tubes mean better sound

RCA Manufacturing Co., Inc.

Camden, New Jersey • A Service of the Radio Corporation of America

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 32 NEW YORK, WEDNESDAY, AUGUST 16, 1939 TEN CENTS

AFL Verdict Favors 4-A; Both Sides Claim Victory

U.S. Studying Code; Release In Few Days

Suggestions from Justice Department Sought

The completed industry trade practice code is now before the Department of Justice, it was learned yesterday.

Whether or not it will evoke any official comment, one way or another, is not known. However, industry executives are withholding release of the pact for a reasonable time in order to permit Department officials to make suggestions, if they so desire, before the code is given to the industry as a final document.

The Department has said on previous occasions that it will neither approve nor disapprove the code, but is interested in examining its contents.

The procedure is regarded not only as a natural courtesy to the Government, but also one which would permit distributors to make any change in the code which possibly might be suggested by the Department if such change, in the opinion of sales executives, was beneficial to the code or reasonable from an industry standpoint.

The code, it is understood, was dedelivered to the Department of Justice by William F. Rodgers, chairman of the distributors' negotiating committee, in Washington last weekend.

Indications are that a few more days will be permitted to pass before the code is made public.

Rodgers has called a meeting of sales executives for further discussions on code administration and organization of local arbitration boards for this morning.

10 Film Chiefs Called In SWG Labor Case

Los Angeles, Aug. 15.—Ten top motion picture executives were subpoenaed today by the N.L.R.B. for hearing of charges that producers had violated the Wagner Act in the Screen Writers Guild case. Summoned to appear Thursday when the hearing opens were Jack L. Warner, Darryl F. Zanuck, Sol Wurtzel, David O. Selznick, Samuel Briskin, Walter McEwen, Bernard Hyman, E. J. Mannix, William Koenig and B. B. Kahane.

The Guild last night voted to stand pat on its demands for an 80 per cent closed shop, tenure of contract not to exceed 3½ years and ownership of material written during layoffs.

Ousted AFA Chiefs Cite Vindication; 4A Insists Whitehead Must Go

Atlantic City, Aug. 15.—Both sides, 4-A and A.F.A., declared themselves elated with the A.F. of L. decision. I.A.T.S.E. officers also expressed satisfaction.

Said the 4-A:

"This is a complete victory for the actors. The part of the decision which recognizes the jurisdiction of the 4-A, orders the I.A.T.S.E. to withdraw its charter to the A.F.A. and recognizes the right of the 4-A to revoke the charter of the A.F.A., sustains us completely.

"As far as the recommendations are concerned, they are not binding. We may reject or accept them as we see fit. We cannot say what we will do. Our international board will decide that tomorrow.

"Ralph Whitehead cannot be an officer. Pending a decision by our board, the American Guild of Variety Artists continues to function."

Said Sophie Tucker, A.F.A. president, and Ralph Whitehead, executive secretary: "We're delighted with the settlement arranged by the committee. It is as fair as could be worked out under the pressure of the circumstances. We are going back to the job with redoubled energy to win that election. We feel that Whitehead and the A.F.A. have been cleared of all charges by the decision."

Ben Washer to Join Churchill's Agency

Ben Washer, who has been doing Samuel Goldwyn's publicity and advertising, will join Donahue & Co., Inc., (Ed Churchill) in an executive capacity next week. Washer will head the legitimate theatre advertising end of the agency.

A former newspaperman and columnist, Washer has been in the public relations field for several years and is among the best known publicists in the theatre world. He was formerly head of the publicity division of United Artists and prior to undertaking his recent assignment for Goldwyn was publicity-advertising director for George Abbott, Broadway producer.

Silverstone to Coast

Murray Silverstone, United Artists chief executive, and Charles Schwartz, member of the company's board, leave for the Coast by train Friday.

Summary Of Decision

Atlantic City, Aug. 15.—Highlights of the A.F. of L. decision are:

While the 4-A has autonomy, rights of affiliates must be fairly dealt with.

Jurisdiction of 4-A over all actors is reaffirmed.

Without passing judgment on charges and counter charges, A.F.A. suspension was considered too severe. 4-A should reorganize its method of dealing with actors who work in different fields.

"Calls upon" 4-A to reinstate A.F.A. and all of its officers and withdraw the charter granted to A.G.V.A.

(*Continued on page 8*)

K-A-O Profit Shows Boost of $137,000

Keith-Albee-Orpheum Corp. and subsidiary companies report net profit for the 26 weeks ended July 1, 1939, of $525,909.13 after all charges. The figure compares with net profit after all charges of $388,194.41 for the corresponding period in 1938.

B. F. Keith Corp. and subsidiaries report net profit after all charges of $332,887.09 for the 26 weeks of 1939, which compares with net profit after all charges of $254,538.01 for the 1938 period.

B. F. Keith Corp. estimates net profit of $830,360.13 for the 52 weeks ended July 1, and Keith-Albee-Orpheum Corp. estimates net profit for the 52 weeks at $1,134,710.62, equal, after all charges, to $17.65 per share on the 64,304 shares of seven per

(*Continued on page 8*)

30-Day Delay Faces Setting of Trust Trial

Decision on the Government's application for a preferred trial date for its anti-trust suit against the industry will not be handed down for another month, it was learned yesterday. Federal Judge Knox, who will pass on the the application, will leave on a three-week vacation Friday.

Judge Knox at present is making efforts to fill several vacancies in the District court bench in order to expedite the crowded court calendar.

Whitehead's Status Still Fogged; Actors Draw Council's Criticism

Atlantic City, Aug. 15.—The A. F. of L. Executive Council tonight ordered the I.A.T.S.E. to withdraw the charter granted to the American Federation of Actors, recognized the jurisdiction of Associated Actors and Artistes of America over actors and the legal right of the 4-A to revoke the charter of the A.F.A.

The decision was sharply critical of the 4-A organizational structure and the expulsion of the A.F.A. and "called upon" the 4-A to revoke the charter granted to the American Guild of Variety Artists. It also "called upon" the 4-A to reinstate all officers of the A.F.A., including Sophie Tucker, president, and Ralph Whitehead, executive secretary.

In addition the Council suggested that a board of 10, chosen from both sides, govern the A.F.A. for 90 days after which time an election should be held.

Both sides professed satisfaction with the result. Officials of the 4-A promptly announced that they regarded the decision as "a complete victory." They declared that recognition

(*Continued on page 8*)

National Theatres, Warners Set Deal

National Theatres will play Warner films next season in situations other than those which have been sold to opposition independents. The deal was set by Spyros Skouras with Gradwell L. Sears, Warner general sales manager, before he left for the circuit's divisional meetings being held this week.

Skouras, contacted at Excelsior Springs where the Fox Midwest convention is being held, said: "Negotiations have not been completed yet."

Several weeks ago Warners declared that it would sell away from National Theatres for the new season because of the circuit's double billing and other operating policies. Subsequently a number of deals with independents in the Midwest and on the West Coast were made.

National Theatres film buyers are completing product deals, with an M-G-M franchise renewed for three

(*Continued on page 8*)

Purely Personal

LYNN FARNOL, United Artists advertising and publicity director, arrived in New York from the Coast by plane yesterday. He may go to the Coast again early next week to see "Intermezzo."

•

LESLIE HOWARD and WALTER FUTTER, producer, sail today on the *Aquitania* for England to make two films for RKO. "The Man Who Lost Himself" will be the first. GEORGE O'NEIL, scenarist, accompanies them. Production will be at the Pinewood Studios.

•

TEX RITTER, Monogram western star, was slightly injured when his automobile overturned near Lookout, W. Va., on Monday. His companion, CURLEY HOGG, suffered a broken rib. RITTER was able to continue his personal appearance tour at Bluefield, W. Va.

•

JOSEPH BERNARD, general manager of Warner theatres, returns to his desk today after holding the annual meeting with managers in the Philadelphia zone yesterday. He was accompanied by HARRY GOLDBERG, advertising-publicity director.

•

MARTIN G. SMITH of the Smith and Beidler circuit, Toledo, O., and GEORGE J. CORCORAN, manager of the Anton, Monongahela, Pa., among showmen in town to visit the World's Fair.

•

MRS. ROBERT PEARCE, secretary to B. B. GARNER of the Sparks circuit, and her son, LLOYD, are in town from Lakeland, Fla., to visit the World's Fair.

•

BARBARA NICHOLS of Dayton, O., and ARMAN V. WILLIAMS of Saginaw, Mich., both Fleischer Studio artists at Miami, were married in the southern city.

•

CHARLES EINFELD, director of advertising and publicity for Warners, will arrive Monday from the Coast for a two-week stay.

•

NAT SALAND of Mercury Film Laboratories returned yesterday after seven weeks on the Coast.

3 Flights Daily
NEW YORK
TO
LOS ANGELES
It's Cool All the Way!
THE PLAINSMAN
Lv. 7:10 A. M Ar. 12:29 A. M.
THE MERCURY
Lv. 5:10 P. M. Ar. 7:43 A. M.
THE SOUTHERNER
Lv. 10:10 P. M. Ar. 1:55 P. M.
Ask your travel agent or phone HAvemeyer 6-5000. Ticket offices: 45 Vanderbilt Ave. and Rockefeller Center at 18 W. 49th St.
AMERICAN AIRLINES Inc.

Insider's Outlook

By SAM SHAIN

THIS is interesting—from Sid Rechetnik, astute W. B. press agent, who is spending his vacation in Lakeville, Conn.

"Still no wedding bells in the fall—will be glad to spend some time in the gym with you next week—have lost 7 lbs.—you'll hardly recognize me!"

Wanna bet?

AT lunch, in Nick's Hunting Room at the Astor, Leonard Gaynor reports that Joe Cohn, son of Jack Cohn, Columbia Pictures chieftain, is fast becoming a qualified film publicist.

IN Sardi's the other day, Bob Weitman and John Hertz, Jr., (Buchanan and Company) discussing the extraordinary success of the stage band policy at the Broadway Paramount.

When that policy was first conceived and sponsored by Weitman, in December, 1936, few at Paramount, or elsewhere believed it could last more than 12 weeks. Everybody but Weitman looked upon the new plan as an experiment.

In December, this year, that policy will have been operating successfully for four years. Since it was undertaken at the Paramount, the Strand has installed a similar policy with comparatively similar success.

It will be 13 years on November 18, since the Paramount first opened its doors. Bob Weitman worked as a ticket chopper at the theatre, that night. He is the managing director of the theatre, today.

Weitman believes that the customer should be entertained from the moment he enters the theatre. He conducts a poll by which the patrons actually select the stage entertainment.

Weitman's policy has not only created a definite early bird audience which is the talk of Broadway but under his guidance the house has jumped in four years from average weekly grosses of $8,000—$12,000, to an average of $35,000—$55,000.

Credit for Weitman's achievement must go to Y. Frank Freeman and Paramount executives, who, having once given Weitman the go-ahead sign, never interfered with him.

THE World's Fair instructs employees:

"On Monday each of the employes on the grounds will be supplied with a large *goose egg* and requested to wear this egg on his lapel until such time as he has sold two books of tickets. When two books of tickets are sold the goose egg will be replaced by a *silver egg*. This silver egg will be replaced by a *golden egg* for those selling in excess of two books of tickets."

JACK PULASKI is at Lake Sunapee, New Hampshire, arriving in Saratoga sometime tomorrow.

CONGRATULATIONS to Ed Churchill, in obtaining the services of Ben Washer. Washer will head the Donahue & Coe legitimate theatre advertising end.

"FOUR FEATHERS" in one week at Kansas City grossed $15,600 —$4,000 above average. That proves again that the American public has no national prejudices when it comes to entertainment. That's a nifty figure for any picture.

Wanger Buys Novel

HOLLYWOOD, Aug. 15. — Walter Wanger (United Artists) has bought the screen rights to "Dynasty of Death," novel by J. T. Caldwell, based on the exploits of munitions barons.

ANNOUNCING
THE OPENING OF OUR
NEW YORK EXCHANGE
723 Seventh Avenue
BRyant 9-8395
SACK
Amusement Enterprises
EXCLUSIVE NATIONAL
DISTRIBUTORS FOR
Million Dollar Productions

Altec and Dominion Sound Form Pact

An agreement covering the reciprocal interchange of technical information on sound reproducing and other theatre equipment services has been signed by Altec and Dominion Sound Equipments, Ltd., Montreal. The agreement was concluded by G. L. Carrington, vice-president and general manager of Altec, and F. E. Peters, general manager of the Canadian company.

Form Elite Productions

Ludwig Landy has formed Elite Productions, Inc., planning three films, one in Yiddish, one Negro and a documentay film on labor conditions. They will be produced at the Film Art Studios in the Bronx.

Purely Personal

LEON LEONIDOFF, senior stage producer at Radio City Music Hall, was received by POPE PIUS during his trip from which he returned Monday. He saw 21 shows in 12 days on a 30,000-mile European trip.

•

MAX COHEN, sales head at the Big U exchange, has a new secretary, ESSIE WEISBERG, formerly dictation taker for DAVID A. LEVY, branch manager.

•

WILLIAM BENSON, former salesman at the RKO Albany branch, is now handling special sales assignments at Universal's New York exchange.

•

MAX ROTH, midwestern district sales manager for Republic, returns to his Chicago headquarters Friday following a week's visit here.

•

ROBERT T. KANE, head of 20th Century-Fox British production, is due in New York from England on the *Ile de France* next Tuesday.

•

MAURICE F. BARR, associated with the E. V. Richards Saenger Amusement Co., is recuperating in New Orleans from an operation.

•

J. T. DOUGLAS, connected with Vidalia, Ga., theatre interests, is recovering from injuries sustained in a recent automobile accident.

•

CHARLES MCCARTHY, WHN announcer, on Aug. 29 will be married to DIANA CARLTON, ex-radio actress.

•

MAX FRIED, upstate and Long Island booker for Warners, leaves for a two-week vacation this weekend.

•

NAT KARSON, scenic designer at Radio City Music Hall, sails today on the *Normandie*.

•

ROSE DRUCKER, secretary to ROGER FERRI at 20th Century-Fox, is recuperating from an illness.

•

JIMMIE LUNCEFORD and his orchestra sail Aug. 30 for a European concert tour.

•

JOHN CUNNIFF, Brooklyn booker for M-G-M, starts a week's vacation Saturday.

MOTION PICTURE DAILY
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'Bachelor' Is Strong in Hub With $14,000

BOSTON, Aug. 15.—"Bachelor Mother" and "Ex-champ" grossed a neat $14,000 in the second week at Keith Memorial. "Each Dawn I Die" and "Nightwork" took $13,500 at the Metropolitan.

Estimated takings for the week ending Aug. 9:

"Streets of New York" (Mono.) (2nd run) (5 days)
"Stunt Pilot" (Mono.) (1st run) (5 days)
"Missing Daughters" (Col.) (2nd run) (2 days)
"Boy Friend" (20th) (3rd run) (2 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross, $4,500. (Average, $6,500)
"Bachelor Mother" (RKO)
"Ex-Champ" (Univ.)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days, 2nd week Gross: $14,000. (Average, $14,000)
"Indianapolis Speedway" (W. B.)
"Waterfront" (W. B.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $6,500. (Average, $7,000)
"Indianapolis Speedway" (W. B.)
"Waterfront" (W. B.)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. Gross: $4,600. (Average, $4,500)
"Each Dawn I Die" (W. B.)
"Nightwork" (Para.)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $13,500. (Average, $14,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
"They All Come Out" (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c 55c) 7 days, 2nd week. Gross: $13,000. (Average, $14,000)
"Andy Hardy Gets Spring Fever" (M-G-M)
"They All Come Out" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $10,000. (Average, $10,000)
"Second Fiddle" (20th-Fox)
"Zero Hour" (Rep.)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days, 2nd run. Gross: $4,700. (Average, $4,000)

'Dawn' New Haven's Best Bet at $7,000

NEW HAVEN, Aug. 15. — "Each Dawn I Die" and "Cowboy Quarterback" at the Roger Sherman took $7,000, in spite of the heat. "Bachelor Mother" and "Career," augmented on the last day by the personal appearance of Judy Garland and Mickey Rooney, grossed $9,000.

Estimated takings for the week ending Aug. 11:

"Andy Hardy Gets Spring Fever" (M-G-M)
"Chasing Danger" (20th-Fox)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $2,500. (Average, $2,700)
"Bachelor Mother" (RKO)
"Career" (RKO)
LOEW-POLI — (3,040) (35c-40c) 7 days. Mickey Rooney and Judy Garland (one day). Gross: $9,000. (Average, $8,000)
"I Stole a Million" (Univ.)
"They Asked For It" (Univ.)
Paramount—(2,348) (35c-50c) 7 days. Gross: $3,000. (Average, $4,000)
"Each Dawn I Die" (W.B.)
"Cowboy Quarterback" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $7,000. (Average, $4,700)

Vetoes Sunday Films

Rensselaer, N. Y.— Aug. 15.—Mayor William T. Wright has vetoed the Common Council's recent action in approving an ordinance permitting Sunday films from 2 P. M. until midnight. Mayor Wright's action leaves Rensselaer, located across the bridge from Albany and but five miles from Troy, one of the last remaining up-state cities without Sunday motion pictures.

'Each Dawn I Die' Scores as Smash Hit at Philadelphia

PHILADELPHA, Aug. 15. — "Each Dawn I Die," with Woody Herman on the stage, drew a smash $24,500 at the Fox. "Bachelor Mother" at the Stanley drew $14,000 for 8 days

Estimated takings for the week ending Aug. 10:

"Goodbye, Mr. Chips" (M-G-M)
ARCADIA—(600) (25c-42c-57c) 7 days, 2nd run. Gross: $2,800. (Average, $2,800)
"Andy Hardy Gets Spring Fever" (M-G-M)
BOYD—(2,400) (32c-42c-57c) 7 days, 2nd week. Gross: $9,000. (Average, $14,000)
"Frontier Marshal" (20th-Fox)
EARLE — (2,000) (26c-32c-42c) 7 days. Gross: $6,800. (Average, $8,000)
"Each Dawn I Die" (W. B.)
FOX—(3,000) (32c-37c-42c-57c-68c) 7 days. (6 days stage.) Stage: Woody Herman and Band. Gross: $24,500. (Average, $16,000)
"The Mikado" (Univ.)
KARLTON—(1,000) (32c-42c-57c) 7 days, 2nd run. Gross: $3,000. (Average, $4,000)
"Daughters Courageous" (W. B.)
PALACE—(1,000) (26c-42c) 7 days, 3rd run. Gross: $4,000. (Average, $4,500)
"Bachelor Mother" (RKO)
STANLEY — (3,700) (32c-42c-57c) 8 days. Gross: $14,000. (Average, 7 days, $14,000)
"The Man in the Iron Mask" (U. A.)
STANTON — (1,700) (26c-32c-42c) 7 days, 2nd run. Gross: $4,500. (Average, $7,000)

'Mother' at $22,500 Buffalo's Big Gross

BUFFALO, Aug. 15.—Sammy Kaye and his band, with "Bachelor Mother" took $22,500 at the Buffalo. "Each Dawn I Die" brought $9,500 to the Great Lakes.

"Bachelor Mother" (RKO)
BUFFALO—(3,000) (30c-55c) 7 days. On stage: Sammy Kaye's orchestra. Gross: $22,500. Average, $12,000)
"Each Dawn I Die" (W. B.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $9,500. (Average, $7,500)
"Frontier Marshal" (20th-Fox)
"Quick Millions" (20th-Fox)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $4,500. (Average, $6,800)
"The Hurricane" (U. A.)
"Boys' Reformatory" (Mono.)
CENTURY—(3,000) (15c-25c) 7 days. Gross: $4,900. (Average, $5,200)
"I Stole a Million" (Univ.)
"They Asked For It" (Univ.)
LAFAYETTE — (3,300) (25c) 7 days. Gross: $6,800. (Average, $6,300)

France Assists U. S. In Smuggling Probe

WASHINGTON, Aug. 15.—The French Government has advised the State Department that investigations have been under way since last March into the alleged use of diplomatic pouches to bring films into the United States without the payment of duty and has established that there was no intention of defrauding the customs.

In a formal note presented yesterday to Acting Secretary Sumner Welles and made public today, the French Ambassador, advised that the report of the New York Grand Jury will be forwarded to his Government, revealing that an independent investigation was undertaken when the matter was first brought to its attention last Winter.

Republic, SDG Pact

LOS ANGELES, Aug. 15.—Republic today agreed on terms of a new basic agreement with Screen Directors Guild after a conference between M. J. Siegel, Republic president, and Frank Capra, S.D.G. president. The pact, which goes into effect immediately, eliminates the possibility of a strike. Increased pay for assistant directors and unit managers is provided in the agreement.

Prophetic

Paris, Aug. 15.—The country which formerly was Czechoslovakia will be represented at the International Film Festival at Cannes, opening Sept. 1 by the last film produced in Prague before the descent of Hitler upon the country.

The film's title is "The Great Solution," and it is a strong indictment of dictatorship.

Whiteman, 'Zenobia' $12,200, Milwaukee

MILWAUKEE, Aug. 15.—Paul Whiteman on the Riverside stage with "Zenobia," proved the week's best, $12,200.

Estimated takings for the week ending Aug. 10:

"The Magnificent Fraud" (Para.)
"Million Dollar Legs" (Para.)
"Our Leading Citizen" (Para.)
"Island of Lost Men" (Para.)
PALACE—(2,400) (25c-35c-50c) 4-3 days, respectively. Gross: $3,400. (Average, $4,000)
"Zenobia" (U. A.)
RIVERSIDE—(2,700) (30c-35c-40c) 7 days. Stage: Paul Whiteman. Gross: $12,200. (Average, $6,500)
"Andy Hardy Gets Spring Fever" (M-G-M)
"Good Girls Go to Paris" (Col.)
STRAND — (1,400) (25c-35c-50c) 7 days. Gross: $1,500. (Average, $1,500)
"Four Feathers" (U. A.)
"Indianapolis Speedway" (W. B.)
WARNER — (2,400) (25c-35c-50c) 7 days. Gross: $6,800. (Average, $4,500)
"Hotel For Women" (20th-Fox)
"Wolf Call" (Mono.)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: $5,600. (Average, $5,500)

Legion Approves 10 New Films for Week

Ten new pictures were approved by the National Legion of Decency for the current week, six for general patronage and four for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Desperate Trails," "Night Work," "Our Leading Citizen," "Should Husbands Work," "Stanley and Livingstone," "Wizard of Oz." Class A-2, Unobjectionable for Adults—"Hidden Power," "Jamaica Inn," "Lady of the Tropics," "Parents on Trial."

'Father' Hits Good $21,500 in Capital

WASHINGTON, Aug. 15. — Town's best week in months saw "Unexpected Father" lead with $21,500 at Warners' Earle, with Rochester and Betty Grable on the stage. "Captain Fury" took a splendid $18,500 at Loew's Capitol. Mickey Rooney and Judy Garland appeared for one day.

"Captain Fury" (U. A.)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days. Stage: Marty May, Y. Bunchuk. Gross: $18,500. (Average, $16,500)
"Good-bye, Mr. Chips" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 2nd run. Gross: $4,200. (Average, $4,500)
"Andy Hardy Gets Spring Fever" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 7 days, 2nd week. Gross: $8,500. (Average, $12,000)
"Batchelor Mother" (RKO)
RKO-KEITH'S—(1,836) (25c-55c) 7 days, 2nd week. Gross: $6,300. Average, $6,000)
"Unexpected Father" (Univ.)
WARNERS' EARLE—(2,218) (26c-66c) 7 days. Stage: Rochester, Betty Grable. Gross: $21,500. (Average, $16,000)
"Hell's Kitchen" (W. B.)
WARNERS' METROPOLITAN — (1,591) (25c-40c) 7 days. Gross: $4,800. (Average, $4,000)

'Dawn' Scores Hit in Chicago, Pulls $38,800

CHICAGO, Aug. 15.—Loop business swung upward last week. The Chicago led with $38,800 for "Each Dawn I Die." At the United Artists "On Borrowed Time" did an excellent $15,300 and the Roosevelt with "Man In The Iron Mask" drew $14,800.

"Goodbye, Mr. Chips" (M-G-M)
APOLLO—(1,400) (25c-55c-75c) 7 days, 7th week. Gross: $4,900. (Average, $6,000)
"Each Dawn I Die" (20th-Fox)
CHICAGO — (4,000) (35c-55c-75c) 7 days Stage: Vaudeville Revue. Gross: $38,800. (Average, $32,000)
"Love Finds Andy Hardy" (M-G-M)
GARRICK — (900) (35c-40c-65c) 7 days. Gross: $4,700. (Average, $5,000)
"Young Mr. Lincoln" (20th-Fox)
"Girl and the Gambler" (RKO)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $13,400. (Average, $13,000)
"The Man in the Iron Mask" (U. A.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $14,800. (Average, $11,000)
"Tell No Tales" (M-G-M)
STATE-LAKE — (2,700) (25c-35c-40c) 7 days. Stage: A. B. Marcus Revue. Gross: $15,200. (Average, $12,000)
"On Borrowed Time" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $15,300. (Average, $14,000)

Call Cuba's Tax Bill Violation of Treaty

The proposed measure introduced into the lower house of the Cuban Congress, calling for a tax on producers and distributors of 33 per cent of the gross Cuban box-office receipts, is in violation of the trade treaty existing between the government of the United States and Cuba, it was pointed out here yesterday.

The tax is designed primarily as a stimulant to Cuban native production, providing for prizes and subsidies. The bill also limits film rentals payable to foreign producers and distributors to not more than 40 per cent of the gross receipts of individual films.

Informed sources here indicated that the trade treaty with Cuba, in effect since 1934, provides that no new taxes be levied during the life of the treaty. The pact is of indefinite duration, terminating only on the request of either party, with three months' notice required.

Seattle Union Names Stanley President

SEATTLE, Aug. 15.—New officers for the 1939-'40 term have been elected by Theatre Employes' Local B-22. Earl D. Stanley is president, with Edward Windsor as vice-president. Other officers include:

George T. Hood, former Federal Theatre head, secretary-treasurer and business agent; Jack Dudman, sergeant-at-arms; and Helen Harper Ludwig representing cashiers, Edna Pierce representing usherettes, Fred Hartman doormen, and Frank Gibson outdoor amusements, on the board of trustees.

Sack Opens Exchange

On the 20th anniversary of Alfred N. Sack's entry into show business, Sack Amusement Enterprises has opened an exchange at 723 Seventh Ave. Lester J. Sack, vice-president, is in charge.

MILLIONS ARE READING THIS!
N. Y. Daily News column syndicated across the nation!

Hollywood

By ED SULLIVAN

Hollywood, Aug. 9.

Glamour

In "Lady of the Tropics," Hedy Lamarr proves beyond any possible doubt that she is the most startling beauty ever to reach the screen. . . . Perhaps there have been women to match the compelling loveliness of Hedy, but you mark me down as one of the doubters. . . . Certainly, there is no girl in Hollywood who can top or even tie The Lamarr.

* * *

They tell me, the historians, that Helen of Troy was quite a girl. . . . Others aver that Cleopatra was some shucks as a looker. . . . Mona Lisa's inscrutability has been accepted by many as mysterious beauty. . . . Venus de Milo, with or without arms, had a chassis that beggared comparison. . . . You can have them all, my little chickadees, and I'll give you twelve points and take Hedy.

* * *

In my time, I have seen some lookers. . . . Marlene Dietrich ain't hay. . . . Lili Damita had a quality of attractiveness that made you sit up and take notice when she breezed into a room. . . . Dolores Del Rio has a polished sleekness and coloring that arrest attention. . . . The late Marilyn Miller was gorgeous. . . . Garbo, Madeleine Carroll, Merle Oberon and Patricia Morrison have caused disturbances. . . . In the old days, Barbara La Marr made eyes pop. . . . Lillian Lorraine, the old Nesbit and Dolores, of the "Follies," were stunners. . . . They tell me that Lillian Russell had a perfection of face and feature that stopped hansom cab traffic. . . . Take 'em all, brother. . . . I'll take Hedy.

* * *

Loretta Young, Anita Louise, Imogene Wilson, Vilma Banky, Carmel Myers and Nita Naldi just about represented the alpha and omega of feminine appeal. . . . Mary Kirk Brown, the youngster who has just hit Page 1 headlines, when she first arrived on Broadway did not have to take a back seat for any of them. . . . Billie Dove was a knockout. . . . Corinne Griffith, Gladys Glad, Jean Harlow, Agnes Ayres, Gwili Andre, Rene de Marco, Yolanda, Janice Jarrett, Betty Lomax, Ethelyn Holt, Mae Murray, the late Olive Thomas, Mrs. William Rhinelander Stewart and June Lang would have supporters in any beauty sweepstakes. . . . Aviatrix Ruth Elder was unusually pretty. . . . There are professional models who can match Ann Sheridan oomph for oomph. . . . But Hedy Lamarr would be the winner in any foto finish.

* * *

"Lady of the Tropics," coming on top of "Algiers," proves positively that cameras never have been trained on any one so photogenic as Hedy. . . . In one scene, she puts on a hat frontwards, backwards and sideways, while posing in front of a mirror. . . . She looked gorgeous each time. . . . Girls in the audience moaned when she accomplished it, a low moan of anguish. . . . "After I see her on the screen," confided one famous screen beauty, "I leave the theatre without even stopping to look in my mirror. What's the use?"

* * *

Director Jack Conway, Writer Ben Hecht and Cameraman George Folsey can take a low bow on "Lady of the Tropics." . . . In every way, this picture was the most unwelcome assignment in Hollywood. . . . You will remember that after she completed "Algiers," Miss Lamarr went into "I Take This Woman," which was shelved after an expenditure of three-quarters of a million dollars. . . . After that happened, every director in town shuddered at the thought of getting the next assignment. . . . Conway got it and did a grand job. . . . Folsey, who had been Joan Crawford's cameraman, did a magnificent job of fotography. . . . Hecht's script, limited to certain definite lines, was just what the studio wanted.

* * *

Miss Lamarr, after "Algiers," was condemned with faint praise. . . . Nobody disputed that she was gorgeous, but it was believed that her lack of technique as an actress would wash up her career aborning. . . . In this third picture, Hedy wins the last laugh, because she handles her lines and scenes with the assurance of a trouper. . . . Her acting has improved tremendously. . . . I doubt if she'll ever win an Academy Award from Bette Davis, but when you look like that, you don't have to.

* * *

The subject of beauty always has been first-rate news. . . . The history of the world has been tied to it. . . . It has spurred men to build skyscrapers, launch boats, write poems. . . . It has turned cravens into heroes. . . . It has inspired great literature, great painting, great music. . . . So Hedy Lamarr, on beauty alone, is an important personage.

* * *

In the old days, the minstrels would have gone about the country-side singing about this dark-haired knockout drop. . . . The knights of the Round Table would have engaged in tourneys to win her hand. . . . Sir Walter Scott would have used her as a plaster model for his heroines. . . . Tennyson would have abjured the babbling brook. . . . Marc Antony would have given Cleopatra the go-by. . . . Helen of Troy would have been supplanted as a launcher of ships. . . . Shakespeare would have had a new Juliet for his balcony scene. . . . But this is 1939. . . . Hedy gets only the distinction of a syndicate column, filed from Sunset and Vine.


THIS M-G-M
SUMMER!
ROBERT TAYLOR
HEDY LAMARR
"LADY OF
THE TROPICS"


Held over!
THIRD
RADIO CITY
THE BIG
That's The Kind We Mean When We Say
BIG ONES from RKO RADIO!

WEEK
MUSIC HALL!



ONEY SENSATION OF THE SUMMER!

Opening day biggest in three years for any RKO RADIO picture at the Music Hall! . . . First week smashing through to that grand $100,000-a-week-class attraction! . . . Second week, day after day, demonstrating its terrific sustained draw and amazing BUILDING POWER! . . . What a pace it's setting—and in mid-August! . . . Box-office wildfire spreading Coast to Coast to the pre-release runs set to open soon!

Newsreel Parade

Nevada train wreck, soap box derby and the submarine *Squalus* being moved are the principal current events included in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 97—Forts on southern border of Germany. Japs bomb Chinese city. Train wreck in Nevada. *Squalus* raised. *Mauretania* docks on Thames. Soap box derby. Tennis match.

NEWS OF THE DAY, No. 295—Train wreck takes heavy toll. Fred Snite weds. Navy lifts *Squalus*. Roosevelt on vacation cruise. Forest fires in west. Olympic preview in England. Soap box derby.

PARAMOUNT NEWS, No. 108—Forest fires spread in Idaho. Fred Snite marries Teresa Larkin. Tornado hits Michigan. Celebrities play baseball. Authorities seek saboteur in train wreck. Soap box derby. Midget auto race. Tow *Squalus* to Navy Yard.

RKO PATHE NEWS, No. 8—Streamliner wrecked. *Squalus* towed inshore. German forts completed. President on fishing trip. *Mauretania* on Thames. Soap box derby. Skeet championships. Midget auto race.

UNIVERSAL NEWSREEL, No. 797—Army maneuvers in Netherlands. Train wreck. Gas explosion in London. Submarine *Squalus* moved. Escape apparatus tested in England. Admiral Hart succeeds Yarnell. Baldwin arrives in New York. Snite takes bride. Endurance run in Utah. Soap box derby. Hollywood preview of "When Tomorrow Comes."

'Our Citizen' Denied As Anti-Labor Film

Paramount will make no change in "Our Leading Citizen" in response to demands by Edward Kern of an organization known as "Film Audiences for Democracy," who charges that certain sequences are "anti-labor."

While not officially recognizing Kern's charge to the extent of issuing a formal reply, Paramount officials disclosed privately that they have received endorsements and high praise of the film from several ranking labor officials and from a committee of the North Dakota State Federation of Labor, which has requested Paramount to screen the picture for its state convention in Fargo, Sept. 3.

AFL Verdict Favors 4-A; Both Sides Claim Victory

(*Continued from page* 1)

of 4-A autonomy was the only binding part of the ruling and that all portions of the report which "call upon" the 4-A to reinstate Whitehead, withdraw the A.G.V.A. charter, etc., are recommendations which the 4-A international board could disregard.

Pending a meeting of the 4-A board which will be held in New York tomorrow, they were unwilling to state which recommendations would be accepted.

4-A Board Acts Today

It was stated definitely, however, that Whitehead would not be permitted to remain in the 4-A in any official capacity. A.G.V.A. will continue to function pending tomorrow's ruling by the 4-A board.

The A.F. of L. ruling also "called upon" the A.F.A. to withdraw from the I.A. voluntarily and to discontinue pending legislation. Whitehead stated tonight that this would be done.

Both Whitehead and Miss Tucker said they were "delighted with the settlement," and that they would bend every effort to win the election. "We feel that Whitehead and the A.F.A. have been cleared of all charges by the decision," they said.

Election in 90 Days

Members of the board to govern the A.F.A. affairs for the 90 days preceding the election, if the executive council wishes are followed, will be composed of two members of A.F.A., three designated by A.F. of L., and one each from Actors Equity, Chorus Equity, American Federation of Radio Artists, Screen Actors Guild and the 4-A board.

The ruling characterized the suspension of the A.F.A. as "too severe" and declared that the differences could have been adjusted without "inflicting harm on any officer or member or questioning his or her character."

The decision continued with the observation that "a more moderate form was impossible because of the character and relations of the organizations making up the 4-A which, in our judgment, is more in the nature of a federation of international unions than an organic structure of local unions."

The Council asked for an early reexamination of the policy of requiring members to pay separate initiation fees when transferring between different acting fields. The policy of separate organizations "does not tend toward unity in organization nor security for the individual actor," said the decision.

The decision concluded with the request that all parties abide by the "spirit" of the decision in their future actions.

Verdict Summary

(*Continued from page* 1)

A.F.A. to be governed by a 10-man board, selected equally, for 90 days with an election then scheduled.

"Calls upon" A.F.A. to withdraw from I.A.T.S.E. and to discontinue litigation.

I.A.T.S.E. "instructed" to withdraw the charter granted to A.F.A

All parties urged to conduct themselves within the "spirit" of the decision.

Mohawk Festival Proves Big Draw

SCHENECTADY, N. Y., Aug. 15.—The Mohawk Drama Festival, Summer competitor of first run theatres in this section and directed by Charles Coburn, film character actor, has drawn more than 22,000 paid attendances in five weeks.

Cornelia Otis Skinner drew 5,500 for five performances in "Romance," Sally Eilers did 5,150 with "The College Widow," Jean Muir 3,400 with "Taming of the Shrew," Frank Craven 5,500 with "Our Town" and Eugenie Leontovich, 2,600 with "Charlotte Corday."

New Firms Incorporated

ALBANY, Aug. 15.—Recently incorporated theatre and film companies include: Fisk Theatres, Inc., by Joseph Perlstein, Lee Nash and Blossom Teitel, New York; York Picture Co., Inc., by Charles B. Paine, Ivan Pochna, and Margaret Braun, New York; Lenwal Productions, by Arthur Leonard, George O. Walbridge and Samuel Oliphant, New York; Matis Theatre Corp., by George D., Costas D. and Milton D. Stamatis, Brooklyn.

Alger Salary Okayed

Federal Judge Bondy yesterday granted the application of George W. Alger for an ad interim allowance of $7,000 for services as special master on hearings held in July, 1938, on modifications to the RKO plan of reorganization. Allowances previously received by Alger total $27,500.

Films Council to Meet

LONDON, Aug. 15.—The Films Council will reassemble for its first meeting following the recent publication of its report, on Sept. 27.

National Theatres, Warners Set Deal

(*Continued from page* 1)

years, a contract signed with Columbia for two or three years and with Republic for one year. The 20th Century-Fox deal was signed earlier. Franchises with other companies are not subject to renewal until next year.

Skouras to Denver Meeting

DENVER, Aug. 15.—Spyros Skouras, National Theatres operating chief, is due here Thursday to attend the Intermountain division's annual convention at the Brown Palace Hotel. The three-day meeting starts tomorrow with Rick Ricketson, division manager, in charge. About 55 managers and home office men will attend.

Outing and Golf Tourney

The theme of the meeting will be "How to sell Tickets." Operations and advertising-publicity campaigns will be discussed. District meetings will be held the morning of the third day. Bernie Hynes, manager of the Denver Theatre, is in charge of arrangements.

The conventioners are scheduled to stay over for the annual outing and golf tournament of the Rocky Mountain Screen Club Friday at the Evergreen golf course and Eddie Ott's Country Club at Evergreen.

Skouras will come here from Kansas City. He is attending the Midwest division's meeting at Excelsior Springs, Mo.

K-A-O Profit Shows Boost of $137,000

(*Continued from page* 1)

cent cumulative convertible preferred stock.

Keith-Albee-Orpheum, for the 26 weeks of 1939, show profit before depreciation and income tax provision of $1,036,703.09, compared to $882,664.96 for the 1938 period. B. F. Keith, for the 1939 period, showed profit before provision for depreciation and income taxes of $679,100.31, compared to $594,766.16 for the corresponding period in 1938.

O. K. on Beacon Rental

Federal Judge John C. Knox yesterday approved a four-year lease on the Beacon Theatre here by the Beacon Theatre Corp. for an annual rental of $40,000. The Beacon was formerly operated by the Beacon & Midway Corp. which filed a petition in the U. S. District Court for a reorganization in May, 1936. Under the terms of the lease payment of rental is guaranteed by subsidiaries of RKO, Loews, Inc., and Skouras Theatres Corp.

Judgment Against Glazer

A judgment of $11,250 was awarded Alice B. Glazer, former wife of Benjamin Glazer, Warner producer, by Judge J. Sidney Bernstein in N. Y. Supreme Court yesterday. Suit was based on default of a separation agreement under which Glazer had agreed to provide a minimum of $1,250 monthly for his former wife. Schwartz & Frohlich represented the plaintiff.



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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 33 NEW YORK, THURSDAY, AUGUST 17, 1939 TEN CENTS

Secrecy Veils Code as U.S. Asks Changes

Situation Delays Release Of Revised Pact

The Department of Justice has suggested several changes in the industry trade practice code which, if made, will avert Governmental disapproval of the final draft, it was learned on good authority yesterday. In no event, however, will the document be approved by the Department.

The nature of the suggested code changes was not revealed, nor could it be learned whether or not the Government's suggestions are acceptable to distribution companies. However, it was reported that the Department's views were discussed by sales executives at a meeting presided over by William F. Rodgers yesterday. The meeting continued from 11 to 3:30.

However, it was learned authoritatively that the present situation will delay the release of the code until tomorrow at the earliest and possibly later. Whether or not the delay implies that the code is being changed to include the suggestions of the Department of Justice, or whether it portends a change of distributor attitude could not be ascertained.

Speaking unofficially, a distribution executive yesterday voiced a pessimistic view of the industry's efforts to develop a method of self-regulation, which is being encountered with increasing freqnency in executive fields

The executive cited what he termed "the Federal harassment of the industry" through court actions; refusal of the Government to aid or approve the industry's efforts to achieve a code of fair trade practices; rejection of the code in even its incompleted form by Allied States, and lack of enthusiasm for it in other

(*Continued on page 2*)

Radio Station Atop Empire State Soon

WASHINGTON, Aug. 16.—The Federal Communications Commission has granted two construction permits on an experimental basis for frequency modulated radio broadcasting system, to NBC and A. T. & T.

The NBC permit covers a station to be located atop the Empire State Building in New York, operating on a frequency of 42,600 kilocycles with 1,000 watts power. The A. T. & T. permit is for construction of a development station at Whippany, N. J., with 5,000 watts power. The method is designed to eliminate static.

7 Film Companies Demand Oklahoma Trust Suit Details

OKLAHOMA CITY, Okla., Aug. 16.—Seven of the 14 film companies fighting the government's anti-trust suit in Federal Court here filed a 62-page memorandum today in support of their plea for a definite statement of charges.

U. S. Judge Edgar S. Vaught is expected to issue a ruling late in September on the plea of the defendants for a statement and a detailed bill of particulars.

Today's memorandum was filed by Charles S. Cochran, attorney for the seven companies—Paramount, 20th Century-Fox Corp., 20th Century-Fox Film Corp. of Texas, Metro-Goldwyn-Mayer Distributing Corporation of Texas, Loew's, Inc., RKO, Inc., and Vitagraph.

Three other companies—United Artists Corp., Columbia Pictures Corp. and Universal Film Exchanges—filed a supporting memorandum about a week ago.

Other defendants in the case are L. C. Griffith, R. E. Griffith and J. H. Griffith and their four exhibiting chains, Westex Theatres, Inc., Consolidated Theatres, Inc., R. E. Griffith Theatres, Inc., and Griffith Amusement Co.

Mickey, Judy Hosts To 150 in Ritzy Style

About 150 children from Delancey St. to the Bronx and Jersey City met Mickey Rooney and Judy Garland at luncheon at the Waldorf-Astoria yesterday.

The affair was prepared by M-G-M in honor of the young players' presence here. The fact that both will appear on the stage of the Capitol Theatre during the run of "The Wizard of Oz," that Judy is in the picture and that Mickey's "Andy Hardy Gets Spring Fever" starts at Loew metropolitan theatres today had something to do with it. Also both Mickey and Judy have just finished "Babes in Arms," soon to be released by M-G-M.

Jack Haley was master of ceremonies at the luncheon, held in the hotel's swank Empire Room. There was a little speechmaking by Nick Kenny, radio editor of The *Mirror;* Dinty Doyle, radio editor of The *Journal-American;* Howard Dietz, M-G-M advertising and publicity chief, and several others. Mickey and Judy sang a number from "Babes in Arms."

Then Guy Lombardo and his Royal

(*Continued on page 4*)

4-A DEFIES AFL, REJECTS TERMS

Holdovers Boom Broadway Takes

Broadway houses enjoyed splendid business with holdover pictures the past week. The Music Hall finished the second week of "In Name Only" with $84,000 and is holding the film a third week.

The Paramount likewise is holding over "Beau Geste" for a third stanza, after clearing $37,500 for the second. The Capitol drew $25,000 with "Four Feathers," which is replaced today by "The Wizard of Oz."

"They Shall Have Music" drew $11,000 in the third and final week at the Rivoli, where "When Tomorrow Comes" opened yesterday. At the Astor, "Goodbye, Mr. Chips" continued strong, grossing $11,000 in the 13th week.

TMAT Takes Strike Vote Against ITOA

Independent Theatre Owners Association was declared "unfair" by the Motion Picture division of the Theatrical Managers, Agents and Treasurers Union at a meeting of the executive board yesterday.

The T.M.A.T. declared that assistance was being given by the I.T.O.A. to the Vogue, Bronx, where a strike is in progress. Two pickets were served yesterday with summonses for disorderly conduct.

Strike action against I.T.O.A. houses was voted with the attack to be concentrated in neighborhoods which are sympathetic to labor, particularly in Brooklyn and in Bronx.

The board will meet again Monday night to decide what first group of houses will be picketed, it was reported.

Officials of the I.T.O.A. could not be reached for comment.

Grainger Signs Up Butterfield Circuit

J. R. Grainger, president of Republic Pictures, announced upon his return from Detroit yesterday, that he had closed a deal for the 1939-40 product for 108 houses in the Butterfield circuit. E. C. Beatty, circuit president, and J. O. Brooks, its film buyers, represented Butterfield, while Grainger and Sam Seplowin, Republic's Detroit branch manager, represented Republic.

Delegation Goes Today To Atlantic City; Bitterness High

By EDWARD GREIF

With the ink scarcely dry on the A.F. of L. executive council decision settling the jurisdictional dispute between the Associated Actors and Artistes of America and I.A.T.S.E., the fight broke out with renewed fury yesterday.

William Green, A.F. of L. president, advised the 4-A's by telegram that all decisions, recommendations and suggestions must be accepted in full or not at all.

In reply, the 4-A board unanimously declared that it would not accept the recommendations and suggestions, although the decisions were satisfactory.

A delegation from the 4-A will return to Atlantic City today to confer with Matthew Woll, chairman of the mediation sub-committee, in a last-minute effort to stave off an almost certain tie-up of the amusement industry.

Little hope is held, however, by the 4-A executives that a satisfactory conclusion will be reached.

The "recommendations and suggestions" which were rejected by the 4-A board after a six-hour closed session yesterday, include the reinstatement of Ralph Whitehead, executive secretary of the A.F.A., and other officers; the reinstatement of the A.F.A. charter, which was cancelled and turned over to the American Guild of Variety Artists; the cancellation of A.G.V.A. charter; the holding of an election within 90 days, with Whitehead and other A.F.A. officers permitted to stand for re-election; and the governing of the A.F.A. affairs by a special board of ten chosen equally from both sides.

No compromise with the reinstatement of Whitehead will be considered by the 4-A's, Kenneth Thomson, ex-

(*Continued on page 4*)

WB Deal Denied

Spyros Skouras' statement given in Excelsior Springs, Mo., that no product deal with Warners has been consummated by National Theatres and that negotiations are still in progress was vigorously confirmed by Warners' home office yesterday.

Secrecy Veils Code as U.S. Asks Changes

(Continued from page 1)

exhibitor quarters, notably where large circuit operations are concerned, together with the continued threat of enactment of anti-block selling legislation.

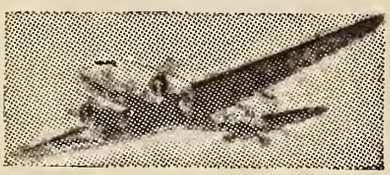
While the industry for many months past has entertained no hope that the Department of Justice would approve the code, it is felt in distribution quarters that official sanction or encouragement of some kind could have been given the industry's efforts to attain a better basis for fair dealing between buyer and seller, the great cost of which will be borne by the major companies and their affiliates.

Some of these views are understood to have been aired several days ago at a meeting of industry attorneys with Department officials in Washington. The completed code was discussed thoroughly at the meeting attended by representatives of all major companies except Columbia, Universal and United Artists.

U. S. Reaction to Code May Be Learned Soon

WASHINGTON, Aug. 16.—Reaction of Federal officials toward the newly-revised draft of the trade practice code may be revealed in a few days, it was intimated at the Department of Justice today.

It appears that U. S. authorities are unwilling to commit themselves on the code for fear that their expressions may affect pending suits.



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SHORTEST, FASTEST COAST-TO-COAST

Purely Personal

MARTIN QUIGLEY, accompanied by MRS. QUIGLEY, two daughters and a son, will return tomorrow on the *Mauretania* from a motor tour of Europe. They visited Italy, France, England and Ireland, having left New York on June 17.

•

BERTA GERSTEN, Jewish actress, will be starred in the title role of "Mirele Effros," a new Yiddish film based on JACOB GORDIN'S play of the same name, which ROMAN REBUSH is producing for Credo Pictures, Inc.

•

JANE WITHERS will make a personal appearance tour of Australia, leaving the 20th Century-Fox studio during the first week in January, stopping off in Honolulu and Pago Pago en route. The Australian tour will occupy three weeks.

•

RUDY WEISS of Warners real estate department is passing out cigars on the birth of a son Sunday to MRS. WEISS at Doctor's Hospital. The youngster has been named RONALD WHITMAN.

•

LUCILE WATSON, who recently completed a role in M-G-M's "The Women," is at Newport, R. I., to star in ROBERT WALLSTON'S comedy, "Marriage Royal," prior to its Broadway opening.

•

BEN KALMENSON, Warners' western sales manager, and FRED JACKS, southern district manager, are in Oklahoma City working on a film deal for next season with the Griffith Amusement Co.

•

ROBERT M. WEITMAN, managing director of the Paramount, has joined his family for another short vacation at Grossinger's. BEN GREIFER, house manager, has just ended his vacation.

•

JOHN GRIERSON, British documentary producer, will leave his Ottawa headquarters shortly for a brief visit on the Coast before sailing for Australia about the middle of next month.

•

ZASU PITTS will have her first serious role in a Stony Creek, Conn., strawhat production this week. SAM JAFFE is expected to star next week.

•

ROBERT BORODKIN, operator of the Stanley, Manhattan, leaves Monday for a brief vacation at Livingston Manor in the Catskills.

•

ARTHUR FRUDENFELD, division manager of RKO Midwest in Cincinnati, is in New York on a business trip.

•

NAT STERN, Paramount's Manhattan booker, is vacationing upstate. He is due back Aug. 28.

•

JOHN MANHEIMER, I.T.O.A. executive secretary, is vacationing at Ridgefield Springs, N. Y.

•

T. NEWMAN LAWLER of the O'Brien, Driscoll & Raftery law firm, is vacationing.

GEORGE J. SCHAEFER, RKO president, and S. BARRET MCCORMICK, advertising and publicity director, are expected in New York from the coast on Monday.

•

W. RAY JOHNSTON, MURRAY SILVERSTONE, LOWELL CALVERT, HARRY BUCKLEY, JACK GOETZ, ABE SCHNEIDER, ARTHUR KELLY, ABE WAXMAN, WILLIAM GERMAN, SAM CITRON, MORT SPRING, JOSEPH MOSKOWITZ, HARRY GOLD at BOB GOLDSTEIN'S Tavern for lunch yesterday.

•

WALTER READE, CHARLES E. MCCARTHY, AUSTIN KEOUGH, LEON NETTER, EDWARD GRAINGER, TOM CONNORS, E. K. O'SHEA lunching at Nick's Hunting Room in the Astor yesterday.

•

ALAN CAMPBELL, actor, and his wife, DOROTHY PARKER, writer, are passengers on the *Champlain* which arrives today.

•

GEORGE SCHWARTZ, publicity man for Consolidated Amusement Enterprises, returns Monday from a two-week vacation at Long Beach.

•

PAULINE KELEN of the WALTER READE home office leaves Saturday for a week's vacation in Canada.

•

PAUL LUKAS, accompanied by his wife and mother, arrives from Europe today on the *Manhattan*.

•

HERBERT WILCOX and ANNA NEAGLE are scheduled to leave the coast for New York by train tomorrow.

IAN JAVAL, commercial director of the Baird Television Corp., sailed for England yesterday on the *Normandie*, in connection with new developments. He is expected to return to New York in the Fall.

•

MARION TASSO, assistant manager of the Paramount at Middletown, O., has announced his engagement to ALICE SCHREIBER, assistant superintendent at the Mercy Hospital, Hamilton, O. The wedding will take place some time next month.

•

SAM KESTENBAUM, manager of the Gramercy Park Cinema, wants the world to know that he has installed a 26-tube Stewart-Warner combination televisor-radio-phonograph in the theatre lounge. A Stewart-Warner engineer is on hand to demonstrate.

•

NAT STEINBERG, Republic's St. Louis franchise holder, and ROBERT WITHERS, Kansas City franchise holder, are in town to discuss circuit deals with J. R. GRAINGER, Republic president.

•

NORMAN H. MORAY, Warner Vitaphone sales manager, will be host to the trade press today at a screening of "The Bill of Rights" and other shorts, followed by a luncheon.

•

KENNETH KNIGHT, assistant manager at the Tower in Oklahoma City, has returned to his post after two weeks on the coast.

•

ERROL FLYNN and his sister, ROSEMARY FLYNN, are visiting friends, the WALTER HOVINGS, at their home at Southampton, Long Island.

•

T. B. NOBLE, JR., president of the State Theatres, Inc., Oklahoma City, has returned to his headquarters from Colorado.

•

ARTHUR M. LOEW, vice-president of Loew's and head of the export department, plans to fly to England in the Fall via *Clipper*.

•

DOROTHY PARKER and her husband, ALAN CAMPBELL, sail today on the *Champlain* for a European vacation.

•

EDDIE O'CONNOR, M-G-M manager in Cuba, is visiting relatives in New England.



★

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MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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UNIVERSAL FILM EXCHANGES, INC.
ROCKEFELLER CENTER
NEW YORK

OFFICE OF
W. A. SCULLY

August 16, 1939

TO ALL BRANCHES:

Note following letter to all of our customers.

"We had expected to release during August 1939 a DEANNA DURBIN picture in the course of production, under the title of FIRST LOVE.

We now find that due to unforseen circumstances it will be impossible for us to have this picture available for release during the current releasing season.

In view of the support and cooperation extended to us during the past year by our customers, we will deliver this DURBIN picture under our 1938-39 contract, even though under our contract we are not obligated to do so."

Please be governed accordingly.

Sincerely,

W. A. Scully

GENERAL SALES MANAGER

WAS L

4-A in Defiant Stand Against AFL Verdict

(*Continued from page* 1)

ecutive secretary of the Screen Actors Guild, declared after the meeting last night.

Some of the other suggestions, however, may be considered if the temporary governing board is altered by giving the 4-A a clear majority on it.

Under the A.F. of L. ruling, two members of the board are to be selected by the A.F.A., three by the A.F. of L., and five from the 4-A unions.

Thomson stated that this arrangement was unsatisfactory because the board might be unable to arrive at decisions with an equal division on each side.

It is not regarded as likely that the A.F. of L. will permit the 4-A to rule during the interim period, and the whole issue will be thrown open once more.

Woll telephoned Frank Gillmore, 4-A president, to request that further conferences be held early this afternoon, but it was not indicated what the nature of the discussions were to be. The call was made before the 4-A board voted to reject the A.F. of L. recommendations.

Nevertheless, a committee composed of Gillmore, Thomson, Paul N. Turner, 4-A attorney; Henry Jaffe, associate counsel; Paul Dulzell, executive secretary of Actors Equity; Florence Marston, S.A.G. Eastern representative, and Emily Holt, executive secretary of the American Federation of Radio Artists, will entrain for Atlantic City this morning.

The telegram from Green to Gillmore stated:

"Press reports state that you and your associates representing the 4-A organization will accept in part and reject in part the decision, recommendations and suggestions of the executive council which the council was advised had been agreed to by representatives of the 4-A organization.

"The executive council cannot acquiesce in such procedure. The decision, recommendations and suggestions of the executive council must be accepted in full. If you reject any part of the decision, recommendations and suggestions, thus nullifying the council's action as a whole, the executive council will be compelled to further consider the controversy existing in the 4-A organization, and proceed to take such action as the situation and circumstances warrant.

"The council expresses the hope that it may receive from you and your associates full and complete acceptance of the decision, recommendation and suggestions of the executive council."

The 4-A board authorized the following reply:

"Your telegram is erroneous when it states that representatives of the 4-A have agreed to your decisions, recommendations and suggestions. The important recommendations were expressly disapproved by the 4-A representatives, and this disapproval was stated directly to Mr. Woll, representing the executive council. Moreover, contrary to the agreement between us, we were never informed of the contents of the recommendation until the time when the decision was released to the press.

"We reject your proposal that the decision, recommendations and suggestions of the executive council must be accepted in full. This we will not do. At the request of your Mr. Woll, our committee is meeting him in Atlantic City tomorrow."

From Atlantic City Whitehead stated that the A.F.A. was willing to abide by the entire ruling of the A. F. of L. He expressed confidence that his membership is solidly behind him, and declared that the "persecution of the A.F.A. was inspired by the "vindictiveness" of Thomson.

The 4-A board members denied that there was any "personal vindictiveness" or that Thomson controlled the board.

In Hollywood, Ralph Morgan, president of the S.A.G., called the decision a victory for the 4-A, while John F. Gatelee, I.A. Coast representative, termed it a "clear cut backing of the I.A.T.S.E. position."

Gatelee stated that the I.A. had saved a large group of actors from "dismemberment."

"This restoration of the A.F.A. status in the actors' setup, accomplished by sensible but forceful persuasion, is another example of the constructive policy of our organization," he said.

Hollywood Previews

"Golden Boy"

(Columbia)

HOLLYWOOD, Aug. 16.—Here, Ladies and Gentlemen of the boxoffice, is the all-time tip-top prize fight picture. This is a major bout on anybody's card, a two-fisted melodrama with a knockout in both fists. Don't wholesale even the bleacher seats to the scalpers.

"Golden Boy" has had more buildup in the public prints than most pictures can take. There was the story about the big price paid for Clifford Odets' stage play, to start with, and there was the sustained sequence of newspaper stories about the search for the youngster to play the title part. These things breed titanic expectations. This picture justifies them.

William Holden, the young man who plays the crossed-up violinist turned pugilist, comes through with a bang-up performance. So does Lee J. Cobb, furnishing an epochal etching of the boy's distraught father. The performance of Barbara Stanwyck as the girl in the boy's life, and of Adolphe Menjou as the man in her's, are among their all time best. Sam Levene, Edward S. Brophy and Joseph Calleia are equivalently effective in less prominent assignments.

It took four writers—Lewis Meltzer, Daniel Taradash, Sarah Y. Mason and Victor Heerman—to adapt the play to picture form and they made a fine job of it. Rouben Mamoulian's direction is potent in every particular and William Perlberg's production is powerful in realism.

The story's about a young Italian whose musicianly career is interrupted while he seeks fame in the prize ring and about the people whose lives affect his and are affected by it. To synopsize it in detail is to rob readers of a rare 100 minutes in the theatre and your reporter declines to do this.

Running time, 100 minutes. "A."* ROSCOE WILLIAMS

**"A" denotes adult classification.*

More Judell Exchanges

HOLLYWOOD, Aug. 16.—Franchises for eight additional territories have been given B. N. Judell, Inc., by Producers Distributing Corp. for distribution of 1939-40 product of Producers Pictures Corp. The Judell firm will open exchange offices Oct. 1 in Atlanta, Charlotte, Memphis, New Orleans, Dallas, Oklahoma City, Kansas City and Los Angeles. Ben Judell heads all three concerns.

Skouras Optimistic At Fox West Parley

EXCELSIOR SPRINGS, Mo., Aug. 16.—Regardless of the outcome of the Federal suits against the major companies, the Neely bill and the moves for divorcement of exhibition from distribution, the public will get better entertaiment and the theatre manager will not be seriously hampered, Spyros Skouras, head of National Theatres, told the eighth annual convention of Fox Midwest at the opening session yesterday.

Elmer C. Rhoden, head of Fox Midwest, declared today that the old type of showman who depended entirely on imagination is gone, and that the business man has replaced him in successful theatre operation. He declared he knew many great showmen who had failed, but no great business men.

Skouras made the National Theatres awards today. The two-day session was attended by 150 managers and executives from Missouri, Kansas, Iowa and Illinois.

Network Broadcast By Movietone News

Movietone News will be on the air Sunday night. Dan Doherty, Movietone assignment editor, will attempt to solve the Ellery Queen mystery over CBS from 8 to 9 o'clock. Margaret Bourke-White and two other famous photographers will participate.

An hour earlier, Ed Thorgensen, commentators, will discuss sports with Tallulah Bankhead, Ford Frick and Bill Corum on "The People's Forum" over the same network.

British Quota Productions Showing Gain

LONDON, Aug. 16—Thirty-six British features were registered by the Board of Trade in the first four months of 1939. Of the 36, five were treble quota and five double quota; a total equivalent in registration value of 52 single features. Seventy-eight foreign features were registered.

The figures compare with 33 registrations for the same period in 1938, of which six were treble and five double quota. In addition, 10 British features have been registered for the exhibitors quota only. A total of 132 British shorts were registered in the four-month period and 236 foreign shorts.

The figures indicate a considerable increase in quota production for the 12 months from January to December, 1939.

With the objective of formulating a policy on the circulation and exchange of films throughout the British Empire, discussions have been going on between the British Film Institute and the Colonial Office. As a result, a brief questionnaire is to be distributed to the Colonies dealing with the circulation of educational and cultural subjects therein.

Mickey, Judy Hosts To 150 in Ritzy Style

(*Continued from page* 1)

Canadians began to "swing it" and the rug cutters began doing their stuff, led by the guests of honor. The invited guests were chosen from among about 200,000 youngsters who registered at Loew theatres for the honor of being on the Rooney-Garland reception committee.

Alliance Deal Closed

Distribution in Cincinnati, Cleveland and Indianapolis of Alliance Film's 1939-'40 product will be handled by the Big Feature Rights Exchanges, Inc., through a deal closed by Budd Rogers, vice-president and general manager of Alliance, with Lee Goldberg, owner of Feature Rights.

Set Okla. Allied Plans

OKLAHOMA CITY, Aug. 16.—The organization committee of Allied Theatre Owners of Oklahoma will meet at the Biltmore Hotel here Aug. 22 to discuss plans for the first annual convention, tentative date for which has been set as Sept. 26-27 at the Biltmore.

C. F. I. Sets Dividend

The board of directors of Consolidated Film Industries, Inc., has declared a dividend of 25 cents per share on the preferred stock, payable Oct. 2 to stockholders of record Sept. 11.

ITO Suspend Meetings

Bi-weekly meetings of the I.T.O.A. have been suspended in the absence of Harry Brandt, president, who is vacationing at Saratoga. The next meeting is scheduled for Aug. 30.

ONLY ONE PICTURE* COULD BE DOING THIS *phenomenal business!*

TOPS "ALEXANDER'S" AND "JESSE JAMES"!
—*State, Los Angeles*

BEATING "JESSE JAMES"! CLOSING IN ON "ALEXANDER'S"! —*Chicago, Chicago*

HELD OVER AFTER BEATING EVERY 20th HIT HERE!
—*Paramount, San Francisco*

OUT-GROSSES "JESSE JAMES" NARROWING "ALEXANDER'S" LEAD!
—*Chinese, Hollywood*

TOPS "KENTUCKY"! LED ONLY BY "ALEXANDER'S" AND "JESSE JAMES"!
—*Palace, Washington*

BIGGER THAN EVERYTHING BUT "ALEXANDER'S" ALL-TIME HIGH!
—*Circle, Indianapolis*

HELD FOR 3rd WEEK AFTER BEATING ALL BUT "ALEXANDER'S" AND "JESSE"!
—*Roxy, New York*

NEW HIGH BY MORE THAN 50%! GAINING MOMENTUM EVERY DAY! —*Fox, Detroit*

*Stanley and Livingstone *of course*

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
July 14	A Woman Is the Judge *Rochelle Hudson*	They All Come Out *Rita Johnson*	Girl from Rio *Movita Warren Hull*	Million Dollar Legs *Betty Grable Jackie Coogan* (G) (C)	She Married a Cop *Phil Regan Jean Parker*	Of Human Bondage The Lost Squadron (reissues)	Second Fiddle *Henie Power Vallee*		Unexpected Father *Baby Sandy Mischa Auer*	Waterfront *Gloria Dickson* Hell's Kitchen (G) (D)
July 21	Blondie Takes a Vacation (G) (C) The Man from Sundown	Andy Hardy Gets Spring Fever *Rooney Lewis Stone*		Magnificent Fraud *Akim Tamiroff Lloyd Nolan* (A) (D)		Way Down South *Bobby Breen Alan Mowbray*	News Is Made at Night *Preston Foster* Ware Case *Clive Brook*		I Stole a Million *George Raft Claire Trevor* (G) (D)	Daughters Courageous *John Garfield Priscilla Lane* (G) (D)
July 28	Behind Prison Gates *Brian Donlevy Jacqueline Wells*	Goodbye, Mr. Chips *Robert Donat* (G) (D)	Irish Luck *Frankie Darro*	Island of Lost Men *Anna May Wong Truex* (G) (D)	Should Husbands Work? *Three Gleasons*	The Spellbinder *Lee Tracy Barbara Read* (G) (D)	Frontier Marshal *Randolph Scott Binnie Barnes* (O)	Winter Carnival *Ann Sheridan Richard Carlson* (G) (C)		Cowboy Quarterback *Bert Wheeler Marie Wilson Gloria Dickson*
Aug. 4	Coast Guard *Randolph Scott Ralph Bellamy Frances Dee*	Miracles for Sale *Robert Young Florence Rice* (G) (D)	Mr. Wong in Chinatown *Boris Karloff* (G) (D)	Night Work *Mary Boland Charlie Ruggles* (G) (C)	Colorado Sunset (O) *Gene Autry Smiley Burnette*	Bachelor Mother *Ginger Rogers David Niven* (A) (C)	Elsa Maxwell's Hotel for Women *Ann Sothern*	Four Feathers *Ralph Richardson Aubrey Smith* (G) (D)		Indianapolis Speedway *Ann Sheridan Pat O'Brien* (G) (D)
Aug. 11		Lady of the Tropics *Hedy Lamarr Robert Taylor* (G) (D)		Our Leading Citizen *Bob Burns Susan Hayward* (G) (D)	New Frontier (O) *John Wayne Ray Corrigan*	Bad Lands *Robert Barrat Noah Beery, Jr.*	Chicken Wagon Family *Jane Withers Leo Carrillo Marjorie Weaver*	Man in the Iron Mask *Joan Bennett Louis Hayward* (G) (D)	When Tomorrow Comes *Charles Boyer Irene Dunne* (G) (D)	Playing with Dynamite *Jane Wyman Allen Jenkins*
Aug. 18	The Man They Could Not Hang *Boris Karloff Roger Pryor*	These Glamour Girls *Lew Ayres Lana Turner Tom Brown*	Riders of the Frontier *Tex Ritter* (O)	This Man Is News *Barry K. Barnes* Renegade Trail	In Old Monterey (O) *Gene Autry Smiley Burnette*	In Name Only *Carole Lombard Cary Grant Kay Francis* (G) (D)	Stanley and Livingstone *Spencer Tracy Nancy Kelly* (G) (D)	They Shall Have Music *Jascha Heifetz Andrea Leeds* (G) (D)		Each Dawn I Die *James Cagney George Raft* (G) (D)
Aug. 25	Five Little Peppers and How They Grew Riders of Black River	Wizard of Oz *Judy Garland Frank Morgan Bert Lahr* (G) (C)	Oklahoma Terror (O) *Jack Randall*	Star Maker *Bing Crosby Louise Campbell*	Smuggled Cargo *Rochelle Hudson Barry MacKay*		Jones Family in Quick Millions *Jed Prouty*			The Angels Wash Their Faces *Dead End Kids* Hobby Family *Irene Rich*
Sept. 1	Konga the Wild Stallion *Fred Stone Rochelle Hudson*	The Women *Norma Shearer Joan Crawford Rosalind Russell*		Death of a Champion *Lynne Overman Robert Paige*	Flight at Midnight *Phil Regan Col. Roscoe Turner Jean Parker*	Nurse Edith Cavell *Anna Neagle Edna May Oliver*	Adventures of Sherlock Holmes *Basil Rathbone Ida Lupino*		The Underpup *Nan Grey* Mutiny on the Blackhawk *Richard Arlen* (G) (D)	The Old Maid *Bette Davis Miriam Hopkins* (G) (D)
Sept. 8	Golden Boy *Barbara Stanwyck Adolphe Menjou William Holden*	Henry Goes Arizona *Frank Morgan Ann Morriss*		Television Spy *William Henry Judith Barrett*		Conspiracy *Allan Lane* Fighting Gringo *George O'Brien*	Charlie Chan at Treasure Island *Sidney Toler Cesar Romero*		Bad Company *Jackie Cooper Freddie Bartholomew* Desperate Trails (O)	Nancy Drew and the Hidden Staircase *Bonita Granville Frankie Thomas*
Sept. 15		Dancing Co-ed *Lana Turner Richard Carlson*	Sky Patrol *John Trent Jackie Coogan*	Beau Geste *Gary Cooper Ray Milland* (G) (D)		The Day the Bookies Wept *Joe Penner Betty Grable*	Hollywood Cavalcade *Alice Faye Don Ameche Stuart Erwin*		Hawaiian Nights *Johnny Downs Mary Carlisle*	Dust Be My Destiny *John Garfield Priscilla Lane* (G) (D)

Paramount Pictures

Book these PARAMOUNT SHORTS when you book your features!

AUGUST 4 — POPULAR SCIENCE #4 — Cinecolor — Baby Rose Marie

AUGUST 11 — SWEET MOMENTS — YIP-YIP-YIPPY — Russ Morgan and Orchestra

AUGUST 18 — BREAKING THE NEWS — Paramount Paragraphic

100% BOX OFFICE tested

FCC Permits Are Asked on New Stations

WASHINGTON, Aug. 16.—Applications for authority to construct new broadcasting stations have been filed with the Federal Communications Commission by the Worcester County Broadcasting Corp., seeking a 1,500-kilocycle station at Worcester, Mass., with 100 watts power night, 250 watts day; the Arlington Broadcasting Corp., planning a 1,420-kilocycle, 250-watt station at Arlington, Va., and the Worcester Broadcasting Corp., asking a 1,430-kilocycle station at San Diego, Cal., with 1,000 watts night, 5,000 watts a day.

Other applications filed at the commission included the requests of WEXL, Royal Oak, Mich., for increase of power from 50 to 250 watts; KFRO, Longview, Tex., for extension of time from day to unlimited with 100 watts night, 250 watts day; KWFT, Wichita Falls, Tex., for increase of power from 250 watts to 1,000 watts night, 5,000 watts day; WDAF, Kansas City, for increase of night power from 1,000 to 5,000 watts; KFVD, Los Angeles, for change of frequency from 1,000 to 990 kilocycles and extension of time from limited to unlimited with 500 watts night, 1,000 watts day; and WABY, Albany, N. Y.; WNBF, Binghamton, N. Y.; WMFF, Plattsburgh, N. Y.; WBEO, Marquette, Mich.; WEST, Easton, Pa.; WGAL, Lancaster, Pa.; WKBO, Harrisburg, Pa.; WBNO, New Orleans; WBBZ, Ponca City, Okla.; KELO, Sioux Falls, S. D., and KXRO, Aberdeen, Wash., for increase of night power from 100 to 250 watts.

The commission has tentatively fixed Sept. 25 as the date for hearings on the applications of Samuel M. Emison for a new 1,420-kilocycle, 100-watt station at Vincennes, Ind., and the Silver Crest Theatres for a new 1,420-kilocycle, 100-watt station at Yuma, Ariz., and the contesting applications of the Union Broadcasting Co. and Lackawanna Broadcasting Co., Inc., for new 1,370-kilocycle stations at Scranton, Pa., with 100 watts night, 250 watts day.

The commission also ordered hearings, on dates to be fixed later, on the applications of Publix Banford Theatres, Inc., for a new 1,430-kilocycle, 1,000-watt station at Asheville, N. C.; Springfield Radio Service, Inc., for a new 780-kilocycle, 250-watt daytime station at Springfield, O., WROL, Knoxville, Tenn., for change of frequency from 1,310 to 620 kilocycles and increase of power from 100 watts night, 250 watts day to 500 watts night, 1,000 watts day; KABC, San Antonio, for change of frequency from 1,420 to 630 kilocycles and increase of power from 100 watts night, 250 watts day to 1,000 watts night, 5,000 watts day, and WGAN, Portland, Me., for change of frequency from 640 to 1,390 kilocycles, extension of time from limited to unlimited, and increase of power from 500 watts to 1,000 watts night, 5,000 watts day.

Application for a construction permit for a new broadcasting station, to operate on 1,160 kilocycles with 500 watts power, day only, has been filed with the commission by the Olf Colony Broadcasting Co., Inc., Boston.

A number of applications for increased power and changes of frequency were also filed with the commission as follows:

WFBR, Baltimore, asking increase of night power from 1,000 to 5,000 watts; WFDF, Flint, Mich., asking a change of frequency from 1,310 to 880 kilocycles and increase of power from 100 to 1,000 watts; WKZO, Kalamazoo, Mich., asking increase of night power from 250 to 1,000 watts; WGTM, Wilson, N. C., asking extension of hours from day to unlimited; WCBD, Chicago, asking change of frequency from 1,080 to 1,040 kilocycles and change of hours from limited to day only; KGVO, Missoula, Mont., asking change of frequency from 1,260 to 950 kilocycles and increase of night power from 1,000 to 5,000 watts; KOL, Seattle, asking increase of night power from 1,000 to 5,000 watts; KCKN, Kansas City, Kan., and WSYB, Rutland, Vt., asking increase of power from 100 to 250 watts, and WCAX, Burlington, Vt.; WCBM, Baltimore; KPLC, Lake Charles, La.; KOCY, Oklahoma City; WAYX, Waycross, Ga.; WMBH, Joplin, Mo., and WEBQ, Harrisburg, Ill., asking increase of night power from 100 to 250 watts.

Can't Sleep

New Haven, Aug. 16.—Claiming damage to health and property, 12 Milford, Conn., residents have filed suit in Superior Court seeking a permanent injunction against the Milford Drive-In Theatre Corp., operating the 800-car first drive-in in the state. Plaintiffs allege noises from the theatre have menaced their health in that they are unable to sleep.

'Hotel' at $10,500 Cincinnati Leader

CINCINNATI, Aug. 16.—"Hotel for Women," with $10,500 at the RKO Palace, was the only picture to go above average. "Four Feathers," was fairly close to average with $11,250, but business at the other houses was off.

Estimated takings for the week ending Aug. 9-12:

"Four Feathers" (U. A.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $11,250. (Average, $12,000)
"Hotel for Women" (20th-Fox)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $10,500. (Average, $10,000)
"Miracles for Sale" (M-G-M)
RKO SHUBERT—(2,150) (35c-42c) 7 days. Gross: $3,900. (Average, $12,000)
"Bachelor Mother" (RKO)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $4,500. (Average, $6,500)
"Andy Hardy Gets Spring Fever" (M-G-M)
RKO LYRIC—(1,400) (25c-40c) 3rd week. ross: $4,200. (Average, $5,000)
"Streets of New York" (Mono.) (3 days)
"Waterfront" (W. B.) (4 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $1,800. (Average, $2,400)
"Frontier Marshal" (20th-Fox)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $3,900. (Average, $6,000)

Stations to Join NBC

WBLK, Clarksburg, and WGKV, Charleston, West Va., will become affiliates of NBC on Sept. 24, bringing NBC's station total on that date to 174. Both stations will be outlets for either the Red or Blue networks.

Bea Wain on 'Parade'

Bea Wain will join "Your Hit Parade" over WABC and the CBS network next Saturday from 9 to 9:45 P.M. She will join Lanny Ross and the Merry Macs.

Pittsburgh Gross Prospects Better

PITTSBURGH, Aug. 16.—With increased industrial production and retail trade as bellwethers, motion picture theatres reported improved grosses at the same time that manager Harry Brown of the Nixon Theatre optimistically announced that legitimate season prospects are the brightest in recent years.

Nine shows are already definitely scheduled, seven more are tentative, and others are in a state of conjecture, contrasting with last season's outlook when lack of available product shortened the Nixon list to 24 weeks.

This year's problem, from present indications, will be selecting from the numerous touring attractions, and booking them in for well-balanced fare. In 1938-'39, the number of available plays was small.

Pittsburgh Houses Discard Vaudeville

PITTSBURGH, Aug. 16.—Vaudeville has left the downtown theatre scene and will stay away for at least a couple of months, statements of operators indicated.

The Stanley, Warner de luxe 3,600-seater, will bring stage shows back "when conditions warrant," Tri-state district manager Harry Kalmine announced, which was interpreted to mean no sooner than mid-autumn. Until May, the Stanley had for two years presented ace traveling acts and name bands at 60 cent top. Since adopting a straight pictures policy, the house has cut prices to 50 cents, and grossed from $2,000 to $10,000 a week less, but made more money, unofficial statements contend.

Only acts to appear on the Stanley boards in the next few months, unless the booking situation unexpectedly changes, will be the network broadcast of six "Dr. I. Q." shows every Monday, beginning Aug. 21 or 28, depending on arrangements made with the Grant agency in Chicago, handling the NBC-Red program for the Mars Candy Co.

After a month of Wednesday night amateur shows, the Harris Senator also has dropped stage attractions indefinitely, Harry Harris stated.

Three First Runs Open in Pittsburgh

PITTSBURGH, Aug. 16.—After two months of limited downtown first run showings, when only four theatres were exhibiting new product, the Golden Triangle will return this month to the regular setup of seven first run houses.

First will be the Fulton, opening today with "Second Fiddle," after seven weeks of idleness. The theatre, a Shea operation, will again be under the management of John Walsh.

Following a three-months layoff, the Barry will reopen Aug. 24. Third theatre is the Art Cinema, under the management of Rubin Brothers.

Other first run houses in the Triangle are the Harris Alvin, Loew's Penn, and Warners' Stanley and Warner.

Form Theatre Firm

ALBANY, Aug. 16.—Progressive Amusement Corp. has been licensed to conduct a motion picture business. Directors are Frank Katz, Ward Biddulph and Ruth Sloane, New York.

NBC Will Rely Less on Films For Television

Max Gordon, consultant on plays for the NBC television department, has lined up a number of dramas and musicals for television programs beginning in the Fall. He is continuing negotiations in Hollywood.

This heralds NBC's plans to present more live talent shows from its studios and depend less on films in the future. In the three months that the network has been providing public television, it has determined that outdoor on-the-spot pickups are the most popular, with stage dramas second in the viewers' appeal.

At present the programs are costing NBC about $2,000 a week, in addition to a production and technical cost of about $5,000 weekly. Probably indicative of American skill and efficiency is that an NBC staff of 75 persons produces 10 hours of television a week, while the British Broadcasting Co. requires 450 persons to produce 21 hours weekly. The British staff includes a 20-piece orchestra.

Clarence W. Farrier, television coordinator for NBC, says that the network has a sufficient supply of foreign and independent companies' films to assure the broadcast of one feature a week indefinitely.

The impasse on a product supply from the major companies continues, however, and there have been no recent negotiations between NBC and the Hays office television committee.

NBC has paid a maximum of $150 for foreign and independent features, which the network considers reasonable considering that the showing is made only once. The major companies figure that the price offered will hardly cover print cost.

Outside pickups will continue for three hours a week until the second "tele" mobile unit is completed, when the outdoor programs will be increased. Beginning Aug. 29 the network will also increase its live talent studio presentations with films limited to one feature every Wednesday night, in addition to the noonday demonstration programs, on a full television schedule of 11½ hours weekly.

Meanwhile RCA-NBC engineers are working on improvements in transmission and reception, while CBS is marking time. CBS officials describe their present television plans as "very vague." No date has been set for the start of telecasting but it is expected to be late in the Fall.

Television plans of CBS have been retarded because of numerous revisions needed on account of obsolescence of equipment. CBS is waiting for RCA-NBC to carry on their experimental work to a point where it has resulted in a larger audience than the 700 or 800 sets in the New York metropolitan area now afford.

Frisco Fair Cuts Staff

SAN FRANCISCO, Aug. 16.—Following a policy of cutting its staff after the summer travel peak, officials of the Golden Gate International Exposition have announced 35 radio department employes will be dismissed Aug. 21, leaving 35 still on the payroll. Radio supervisor Arthur E. Rowe will resign Sept. 1, but will continue in the same job without salary.

'Feathers' Is Kansas City's Hit at $15,600

KANSAS CITY, Aug. 16.—"Four Feathers" and "Good Girls Go to Paris" did $15,600 at the Midland for the big money and best showing of the week. "Frontier Marshal" was good for $6,900 at the Esquire and Uptown. Weather was rainy and cool; and only outside competition was Artie Shaw and his band at the Municipal Auditorium for a one-night stand which pulled 10,000.

Estimated takings for the week ending Aug. 8-10:

"Frontier Marshal" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $3,100. (Average, $3,000)
"Four Feathers" (U. A.)
"Good Girls Go To Paris" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $15,600. (Average, $11,500)
"Naughty But Nice" (W. B.)
"Hell's Kitchen" (W. B.)
NEWMAN — (1,900) (25c-40c) 7 days. Gross: $4,700. (Average, $7,000)
"Frontier Marshal" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $3,800. (Average, $3,500)

'Andy Hardy' $11,000 Indianapolis Smash

INDIANAPOLIS, Aug. 16. — "Andy Hardy Gets Spring Fever" and "They All Come Out" took a smash $11,000 at Loew's in a week of good business.

Estimated takings for the week ending Aug. 10:

"Bachelor Mother" (RKO)
"Career" (RKO)
APOLLO—(1,100) (25c-40c) 7 days, 2nd week. Gross: $2,800. (Average, $2,500)
"Hotel for Women" (20th-Fox)
"Frontier Marshal" (20th-Fox)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $6,500. (Average, $5,500)
"Andy Hardy Gets Spring Fever" (M-G-M)
"They All Come Out" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $11,000. (Average, $7,000)

Set Donahue & Coe As Rowland Agency

Richard A. Rowland, president of Rowland Productions, Inc., whose product will be released next season by United Artists, has appointed Donahue & Coe to handle all advertising in connection with the 1939-'40 product. "Three Cheers for Miss Bishop" will be the first film.

Televise Dodgers Games

Professional baseball will be televised for the first time on Saturday, Aug. 26, when the double header between the Brooklyn Dodgers and the Cincinnati Reds will be televised over NBC's station, W2XBS. The program will begin at 1:30 P. M.

Even Show Films

Hamilton, O., Aug. 16.—The Paramount, flagship of the local Southio circuit, played a stage show Sunday, gave away an automobile Monday, conducted Sweepstakes Wednesday, and will have an Encore Night Friday. The house also is playing pictures.

'Stanley and Livingstone' Setting Record in Chicago

By WILLIAM F. CROUCH

CHICAGO, Aug. 16.—Chicagoans' greatest interest in theatre offerings this week was "Stanley and Livingstone," headed for a $50,000 gross, a record for this year. Business over the weekend was near the $25,000 mark, which is slightly better than that of "Jesse James," the last record-breaker at the Chicago Theatre.

As a result of the tremendous business B. & K. will hold the picture a second week. Following comes "Starmaker." "Hotel for Women" was originally slated to follow but the extra week caused a change of plans.

John Smith, head of the operator's union here, announced that the executive committee would meet next Tuesday to confer on plans for the new contract with local theatres. At that time, Smith said, union members would decide on the terms they would seek in the new contract. The present pact expires Aug. 31.

Members of the 20th Century-Fox Employes Club will hold their annual outing at Round Lake on Saturday, according to Howard DeTamble, president. Only club members are invited.

Robert Haley, formerly press representative with RKO in Kansas City, has assumed the position of press representative for the same company here. Haley will work under Tom Gorman, who is supervising advertising and publicity as part of his district manager's duties.

Frank J. Beres, RKO theatre booker, will marry Judy Coban of Berwyn on Saturday. The couple plan to take a honeymoon trip to the Michigan Lake country.

Master In Chancery Daniel Covelli is expected to make announcement regarding the legality of the "Dr. I. Q." radio show which has been broadcast from the Chicago Theatre, tomorrow on Friday. Covelli will review the transcript of the testimony given in the hearing Monday before making his decision. City officials claim the NBC show is a lottery. The program has but one more engagement at the Chicago.

Jacqueline Louise Eckhardt, three-year-old daughter of Jack Eckhardt, 20th Century-Fox booker and granddaughter of Clyde W. Eckhardt, was named "Miss Edgewater," in a baby beauty contest staged here last week.

The James Coston zone of Warner Theatres, including Milwaukee, Chicago and northern Indiana, will have an all-day outing at Nippersink Golf Club late this month, according to Charles Ryan, assistant zone manager.

Film Row was saddened this week by the death of Robert Schenk, son of Oscar Schenk, director of amusement advertising for the *Chicago American*. Young *Schenk* was killed in an auto crash in South Dakota.

"Goodbye, Mr. Chips" closes after eight weeks at the Apollo to make way for "Our Leading Citizen." "Chips" grossed near the $70,000 mark during its stay, a record run in the Loop.

Build New Metro Offices in London

A new headquarters building will be constructed for M-G-M in London, which the company will occupy on a long term lease. The building will consist of six stories with a superstructure and a basement which will serve as a bombproof shelter. Occupancy is scheduled in June, 1940.

The new premises will be on a site fronting Shaftsbury Ave. and facing three streets. It will cover 50,000 square feet of floor space, will have three elevators, six film inspection and cleaning rooms, and will be air conditioned throughout. There will be a preview room seating 100 and another seating 400 for all trade shows.

Sponsor Drama Festival

Mary Pickford is a sponsor of the New Jersey Festival of Plays at the Papermill Playhouse, Milburn, N. J. Other sponsors are Mrs. Franklin D. Roosevelt, Tallulah Bankhead, George Abbott, Ann Harding, George M. Cohan, Brock Pemberton, Billy Rose, Sinclair Lewis, George Kaufman, John Garfield, Neysa McMein and Florence Reed.

'Conflict' to Carnegie

Transatlantic Distributing Co., which has the American rights to the French production "Conflict," starring Corrine Luchaire, has set the picture for an indefinite run at the Little Carnegie Playhouse next month.

Speedy Shipment

A record for speed and all-air shipment of a film is in the making by M-G-M. The institutional short, "From the Ends of the Earth, a New Romance in Celluloid," will arrive in Sydney, Australia, Aug. 24, 13 days after leaving Culver City, for a screening at the M-G-M Australian convention.

The route: TWA to New York from the coast, *Yankee Clipper* to London, Royal Dutch Air Lines to Sydney.

Air Shipments Gain

Air express shipments nationally for June totaled 71,527, an increase of 28 per cent over June, 1938, the Railway Express Agency reports. Gross revenue for June, this year, was up 34 per cent. Shipments for the first six months of the year totaled 392,679, an increase of 23 per cent over the 1938 period.

'Feathers' at $10,000

"Four Feathers," on a dual bill with "Indianapolis Speedway" at the Warner in Milwaukee for the week ended Aug. 10, grossed $10,000 against a house average of $4,500. The figure inadvertently was published as $6,800 in yesterday's issue of MOTION PICTURE DAILY.

'Tomorrow' L. A. Winner With $29,500

LOS ANGELES, Aug. 16.—"When Tomorrow Comes" and "Unexpected Father" scored heavily, with a total of $29,500, the Hillstreet getting $[illegible]-800 and the Pantages, $15,700. "Stanley and Livingstone" and "Quick Millions" took $19,800 at the Chinese and $20,400 at Loew's State.

Estimated takings for the week ending Aug. 16:

"Stanley and Livingstone" (20th-Fox)
"Quick Millions" (20th-Fox)
CHINESE — (2,500) (30c-$1.00) 7 days. Gross: $19,800. (Average, $12,500)
"On Borrowed Time" (M-G-M)
4 STAR—(900) (40c-50c) 7 days, 4th week. Gross: $2,400. (Average, $3,250)
"When Tomorrow Comes" (Univ.)
"Unexpected Father" (Univ.)
HILLSTREET—(2,700) (30c-65c) 6 days. Gross: $13,800 (Average, $6,500)
"Stanley and Livingstone" (20th-Fox)
"Quick Millions" (20th-Fox)
LOEW'S STATE—(2,500) (30c-$1.00) 7 days. Gross: $20,400. (Average, $14,000)
"When Tomorrow Comes" (Univ.)
"Unexpected Father" (Univ.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $15,700. (Average, $7,000)
"Our Leading Citizen" (Para.)
"Million Dollar Legs" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Gross: $7,500. (Average, $18,000)
"The Man in the Iron Mask" (U. A.)
"You Can't Away With Murder" (W. B.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days, 2nd week. Gross: $9,200. (Average, $14,000)
"The Man in the Iron Mask" (U. A.)
"You Can't Away With Murder" (W. B.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days, 2nd week. Gross: $10,100. (Average, $12,000)

Oklahoma City Best Is 'Hotel' at $4,900

OKLAHOMA CITY, Aug. 16.—"Hotel for Women" at the Midwest scored $4,900 to lead the town in a week of comparatively low grosses.

Estimated takings for the week ending Aug. 11:

"Andy Hardy Gets Spring Fever" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,500. (Average, $5,200)
"Frontier Marshal" (20th-Fox)
"Grand Jury's Secrets" (Para.)
LIBERTY—(1,200) (15c-20c-25c) 5 days. Gross: $2,100. (Average, $2,500)
"Sorority House" (RKO)
"Inside Information" (Univ.)
LIBERTY—(1,200) (15c-20c-25c) 2 days. Gross: $2,100. (Average, week, $2,500)
"Hotel For Women" (20th-Fox)
MIDWEST—(1,500) (25c-35c-40c) 9 days. Gross: $4,900. (Average, $4,200)
"Daughters Courageous" (W. B.)
PLAZA—(750) (25c-35c-40c) 7 days, 2nd week. Gross: $1,000. (Average, $1,100)
"Clouds Over Europe" (Col.) (3 days)
"Outside These Walls" (Col.) (3 days)
"Frontier Pony Express" (Rep.) (4 days)
"My Wife's Relations" (Rep.) (4 days)
STATE—(1,100) (15c-20c-25c) 7 days. Gross: $2,200. (Average, $2,500)
"Mutiny On The Bounty" (M-G-M) (4 days)
"Rose Marie" (M-G-M) (3 days)
TOWER—(1,000) (25c-35c-40c) 7 days Gross: $1,500. (Average, $2,000)

'Shadow' Back Sept. 24

"The Shadow," sponsored by the Delaware, Lackawanna and Western Coal Co., will return to WOR and the Mutual network, beginning Sunday, Sept. 24, from 5:30 to 6 P.M. Bill Johnstone again will appear as "The Shadow."

Heads KYA Music

SAN FRANCISCO, Aug. 16.—Edward Fitzpatrick, recently with NBC's Hollywood orchestra, has been named musical director of KYA, Hearst station here, effective Aug. 21.

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VOL. 46. NO. 34 NEW YORK, FRIDAY, AUGUST 18, 1939 TEN CENTS

Federal Action Kills Code

AFL to Make Revised Ruling In Union Fight

Whitehead Case Remains Crux of Settlement

ATLANTIC CITY, Aug. 17.—The American Federation of Labor executive committee was deadlocked after one of its rare night sessions which ended at 11:30 o'clock tonight in its efforts to solve the jurisdictional dispute between the Associated Actors and Artistes of America, the American Federation of Actors, its former affiliate, and the I.A.T.S.E.

William Green, president of the A.F. of L., announced that the council was unable to accept the recommendations submitted by the mediation sub-committee, but would submit its own revised report after its meeting tomorrow which starts at 12 noon.

The mediation sub-committee, headed by Matthew Woll, met with the 4-A delegation this afternoon after the latter had rejected proposals that

(*Continued on page 4*)

Schaefer Reveals Studio Promotions

HOLLYWOOD, Aug. 17.—President George Schaefer of RKO today announced the following promotions in the studio prior to leaving tomorrow for New York:

Joseph J. Nolan, who has been assistant secretary of the company for 18 years, has been named assistant to the president.

Howard Benedict, head of studio

(*Continued on page 4*)

'Livingstone' Keeps Smash Pace at Roxy

"Stanley and Livingstone" continued its smashing pace at the Roxy in its second week with an estimated $48,000. It will be held for a third week and could go for a fourth, but will have to be withdrawn next Friday to make way for "Hotel for Women."

At the Strand, "The Old Maid" rolled up an estimated $53,000 for its first week and will be held over for at least two more weeks.

Film Officials Are Stunned; No Comment

Home office executives yesterday either were stunned or abashed by receipt of Thurman Arnold's letter characterizing the proposed trade practice code as "illegal" and likely to bring about "further prosecutions" if adopted.

No ranking home office executive contacted would comment on the development and many remained out to the press all day.

W. F. Rodgers, M-G-M sales manager and chairman of the distributors' negotiating committee, who gave more time than any other individual to the preparation of the code during the past 13 and one-half months, was among those "not in" to the press. Through his secretary, Rodgers stated that he was not talking to any newsmen and had no statement to make.

All five of the attorneys who brought the completed draft to the Department of Justice in Washington last weekend and to whom Arnold's letter was addressed were closeted in meetings throughout the day and could not be reached for comment.

Sidney R. Kent, honorary chairman of the distributors' negotiating committee, was preparing to leave the city yesterday for a vacation and, likewise, was not available for comment. Other industry executives either refused statements or declined to be quoted.

Arnold was in New York yesterday in connection with Department of Justice litigation other than that in-

(*Continued on page 12*)

'Oz,' Rooney, Garland Keep Capitol Packed

Opening of "Wizard of Oz" at the Capitol, with Mickey Rooney and Judy Garland making a personal appearance, had Broadway gasping yesterday.

Lines of waiting patrons, four abreast, extended to 51st St., west to Eighth Ave., down 50th St. and back to the box-office for a complete encirclement of the block on which the Capitol stands.

The house played to absolute capacity all day, and it was estimated that 35,000 paid their way through the box-office. Sixty police were assigned to the theatre area.

Industry Abandons Pact As Arnold Rules It Illegal

Adoption Would Mean More Prosecutions, Companies Warned; Code Ignored Government's Wishes, Claim

By SHERWIN A. KANE

Distribution companies yesterday decided to abandon all efforts at adoption of the proposed industry trade practice code following receipt of a letter from Thurman W. Arnold, Assistant to the U. S. Attorney General, characterizing the code as illegal and warning that its adoption "can only lead to continued and perhaps additional prosecutions."

Counsel for the seven companies which participated in the code negotiations met at M.P.P.D.A. headquarters yesterday morning and after a brief discussion of Arnold's letter adjourned with no formal action being taken.

Inquiries within the seven companies, however, elicited the information that all regarded the code as a dead issue, not to be revived.

More Prosecutions Threatened

It was disclosed also that attorneys were of the belief that Arnold's use of the words "additional prosecutions," rather than "additional litigation," implied that the Government would take steps to obtain criminal indictments in the event the code was put into effect. Ranking company officers throughout the industry are being so advised by their lawyers, it was learned.

First disclosure that the final code draft had been put up to the Department of Justice and that release of the pact was waiting upon the Department's views was published exclusively in MOTION PICTURE DAILY Wednesday. Yesterday's issue exclusively reported that the Government's views would be made known promptly.

Arnold's letter was addressed to Austin C. Keough of Paramount; Robert W. Perkins, Warners; Richard E. Dwight, 20th Century-Fox counsel; John Howley, of counsel to the RKO trustee, and J. Robert Rubin of Loew's. The five submitted a final draft of the proposed code to the Department of Justice last weekend and asked for an expression of the Department's views. Arnold's letter is by way of answer to that request.

U. S. Charges Restraint of Trade

Arnold's message charges that the code "assumes" that the present organization of the film industry is legal and that divorce of exhibition and distribution is unnecessary.

Arnold adds that the code completely ignores the position taken by the Government in pending litigation against the major companies and the repeated statements of prosecution policy made by the Department with respect to the industry .

"The proposed code is, in effect, an elaborate set of trade practice provisions superimposed upon a combination of producers, distributors and exhibitors which the Department centends is an illegal and unreasonable restraint of trade," Arnold asserted.

"While the code appears to be voluntary, the practical effect of its

(*Continued on page 12*)

Purely Personal

SIDNEY R. KENT, president of 20th Century-Fox, plans to leave today for Alexandria Bay where he will remain the rest of the Summer.

•

WILLIAM J. HEINEMAN, Universal western sales manager, left yesterday for an extended tour of his territory, to last about three weeks. First stop on his itinerary is St. Louis. From there he goes to Chicago, and then will make a series of stops leading to the Coast.

•

ORSON WELLES has "adopted" an 11-year-old Spanish boy who now is being cared for at the Helen Hayes Children's House, Lahonce, France. The "adoption" was arranged through the Foster Parents' Plan for Spanish Children.

•

WILLIAM HOLDEN, who plays the leading role in "Golden Boy," will arrive in New York from the Coast Monday and will remain here for the Music Hall opening of the picture. It is his first picture and first trip to New York.

•

MARGARET REEK, daughter of EDMUND REEK, general manager of Movietone News, is recovering from an emergency appendectomy performed Tuesday night at Jamaica Hospital.

•

JOSEPH SEIDER, RUDOLPH BERGER, WILLIAM A. SCULLY, E. K. O'SHEA, EDWARD SAUNDERS, TOM CONNORS at Nick's Hunting Room in the Astor for lunch yesterday.

•

PETER A. LEWIS, of the Film Board of Trade, became the father of a six-pound baby girl Wednesday night. MRS. LEWIS and the baby are doing well at the Wadsworth Hospital.

•

WALTER TREMOR and GLENN MULVIHILL of the Sparks circuit in St. Petersburg, Fla., are in town for a few days. They will return South at the end of the week.

•

LOUIS B. MAYER was a visitor at Loew's home office yesterday, coming in from Saratoga prior to leaving for the Coast by train today.

•

WILLIAM A. SCULLY, Universal's general sales manager, left last night for Charlotte, N. C. He will return to New York Monday.

•

MONTGOMERY S. HILL, division manager of the Kincey circuit, Greensboro, N. C., and his sons, HUGH and MONTY, are visiting here.

•

M. L. SIMONS, editor of the *Distributor*, M-G-M house organ, left yesterday to attend a sales meeting in Cincinnati. He will return Monday.

•

CLEMENTE LOCOCO, Argentine circuit operator, has returned from the Coast and will sail for the Argentine Aug. 25.

•

LUCY ROBINSON of the RKO advertising department is vacationing on Long Island.

•

ROMAN REBUSH, president of Credo Pictures, Inc., has signed VICTOR CHENKEN, Yiddish star, to appear in an original musical drama scheduled to be filmed in the east late this Fall.

•

CHARLES BRACKETT and BILLY WILDER have signed contracts as writers at the Metro-Goldwyn-Mayer studios.

•

KENNETH CLARK of the M.P.P.D.A. leaves for a vacation in the Middle West today.

•

GENE BUCK, Ascap president, arrived in New York yesterday from the Coast.

•

E. C. MILLS of Ascap is playing turnabout. He photographs the press when they call at his office.

•

DAVE WHYTE has been named manager of the RKO Alden, Jamaica, which will reopen next Thursday.

•

W. J. HEINEMAN, Universal western sales manager, is on a tour of the company's exchanges in his territory.

•

H. M. RICHEY, director of exhibitor relations for RKO, will spend the weekend with his family near Detroit.

•

COL. WILLIAM J. DONOVAN of counsel for RKO is bear hunting in Alaska.

•

SOL SACHS, RKO southwestern division manager, is in New York from Dallas on business.

•

WALTER READE ran up to Saratoga again yesterday.

Insider's Outlook

By SAM SHAIN

THE legitimate theatre seems to have few fledglings poised for westward flight. Once the Broadway stage was literally a gold mine of potential film talent. But times have changed, and a quick review reveals that during the past season, at least, the theatre has sent conspicuously few names to Hollywood. It seems that those days are gone when every pretty who stepped upon the boards immediately had the proverbial optional contract hurled at her feet.

Just a few of those who were called are Jane Wyatt, Kitty Carlisle, Fredric March, Florence Eldridge, Margaret Sullavan, Marguerite Churchill, Glenda Farrell, Claire Trevor, Katharine Hepburn and Claudia Morgan. These were hardly spotted on the main stem when Hollywood was poising a camera in their direction.

SCRATCH our heads as we can, there are only four young thespians whom we can recall who were taken this year from their fresh professional lives into the studios. They are Margo Stevenson, Mary Martin, Betty Field and Jean Tierney. It has been a real drought.

There are several reasons. It may be that the Hollywood scouts have not been microscopic in their search, and also the return of some motion picture names to the stage has had the effect, perhaps, of destroying the chance of undiscovered talent getting to the top.

THERE are a lot of interesting youngsters on Broadway. Janet Fox, Joe Cotten, Robert Flemying, Adele Longmeyer, Eddie Bracken, Uta Hagen, are a few of them.

Miss Fox is a niece of Edna Ferber. She's a young character actress who plays the part of the young German maid in "The American Way." Cotten is the lad whom Hepburn finally marries in "Philadelphia Story." Flemying has a juvenile role in "No Time for Comedy," and Bracken appears on the stage in an entirely pleasing manner with Katharine Cornell. Miss Longmeyer is the Ann Rutledge of "Abe Lincoln in Illinois." She has been the recipient of some fine critical bouquets. Bracken appeared in "What a Life" on the road and has proved himself to be quite versatile. Miss Hagen has made a definite impression every time she set foot on the Broadway stage.

To give a thought to the names who have "come back" and reoccupied their "legitimate" status, there are: Doris Dalton, Esther Ralston, Mary Brian, Glenda Farrell, Linda Watkins, Helen Chandler, Bramwell Fletcher, Fay Wray, Douglass Montgomery, Julie Haydon, Nancy Carroll, Francis Lederer, Kitty Carlisle and Philip Huston.

THESE "names" have even taken their stands in the summer showshops where in bygone days these workshop theatres were responsible for much of the talent finding its way to Broadway.

Here the Broadway producer has contributed, too, to the state of things. With the legitimate stage going down, season after season, he has adopted the expedient course and followed his business wherever it was to be found, in the country and the shore, taking over the straw hat theatres and commercializing them.

Thus these country theatre impresarios now search for "names" and the ambitious newcomer today can't get an important chance against the crowd of returned film "names."

Post Handles Shorts

Post Pictures Corp. will continue to handle foreign rights to the single reel color short subjects, "Popular Science" and "Unusual Occupations," produced by Jerry Fairbanks and Robert Carlisle. The agreement covers the 1939-40 output on the two series.

Spanish Film Board Urges New Rulings

BARCELONA, Aug. 17.—The Film Board has presented to the Ministry of the Interior a petition listing the proposals to be incorporated in the bill regulating the import and ex[illegible] of films.

Supplementing the proposed measures submitted by the ministry to the Film Board, the petition reads as follows:

"Authorization is granted to import 300 features and 600 shorts to meet the demands of the domestic market for foreign production.

Ministry to Allot Quotas

"The Ministry of the Interior will allot the quotas corresponding to the various foreign producing countries, and the Film Board will divide each country's quota among the Spanish distributors.

"Only negatives or lavender prints will be imported.

"All positive prints will be made in Spain.

"The Ministry of the Interior will regulate the percentage of dubbed prints to be made by each distributor from his quota of foreign films.

Sharing of Profits

"The percentage of the profits corresponding to the various foreign producers—who will share with the distributors on a percentage basis—will be held in blocked pesetas by the Government, pending arrangements to be made with the various foreign nations for exchange clearance.

"Copies of all contracts will be filed with the Ministry of the Interior.

"The Spanish distributors will be free to purchase Spanish product for export, and the total export price of such pictures as are purchased under this clause may be applied to the payment of imported pictures.

"Technicolor pictures are subject to special regulations, inasmuch as no lavenders can be secured."

Crosley Outing Saturday

CINCINNATI, Aug. 17.—The eighth annual Crosley Day will be held at Coney Island, nearby resort, on Saturday when a picnic, games, contests and other amusements will be provided for all employes.

MOTION PICTURE DAILY

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20th CENTURY-FOX

congratulates

SPENCER TRACY

on another Academy Award performance
in "Stanley and Livingstone"



A great actor again wins acclaim for a performance that will stand as one of the screen's most memorable. ¶ Twentieth Century-Fox joins the nation in paying tribute to his distinguished portrayal of Henry M. Stanley in "Stanley and Livingstone."

Showdown On Delaware Sunday Laws

WILMINGTON, Del., Aug. 17.—Delaware's 144-year-old Sunday blue laws, which, among other things, prohibit the showing of films on Sunday, were headed toward a showdown today, as Attorney General James R. Morford of Wilmington served notice that if the state legislature does not immediately bring the old statute within the scope of modern life, enforcement agencies will proceed to enforce it as it stands.

Morford explained his position in a letter to Caleb M. Layton, attorney for Charles S. Horn, owner of the Blue Hen at Rehoboth Beach, who was fined for operation last Sunday.

Morford also forwarded his decision to Gov. Richard C. McMullen and members of the General Assembly at Dover, offering the services of his office if amendatory legislation is desired.

A bill to permit Sunday films was passed by the last legislature but vetoed by the governor.

Seat Code Revision Discussed with FTC

WASHINGTON, Aug. 17.—Representatives of theatre seat manufacturers met today with officials of the Federal Trade Commission to discuss a revision of the voluntary trade practice code for the public seating industry.

Already operating under a code adopted in 1931, the industry representatives offered no opposition to changes which have been proposed in the rules and the discussion was devoted chiefly to clarification of the proposed amendments, the principal end of which would be to place the industry on record as adopting the principles of the Robinson-Patman anti-price discrimination act.

UA Trust Suit Reply Ordered by Aug. 27

United Artists' answer to the Government's bill of complaint in the New York anti-trust suit must be filed in Federal court here on or before Aug. 27 under the provisions of an order signed yesterday by Federal Judge Edward A. Conger.

The order denied United Artists' application for a further bill of particulars from the Government.

The company is the last of the defendants in the New York suit to file an answer to the Government's bill of complaint.

Dame Whitty Signed

Samuel Goldwyn has engaged Dame May Whitty, famous English actress, for an important role in "Raffles" which will star David Niven and Olivia de Havilland.

Enna Jettick Returns

Dunn & McCarthy, Inc., will return to the air on Sunday with Enna Jettick Melodies. It will be heard over 87 NBC Red outlets, an addition of 15 stations over last year's total.

New York Review

"Fifth Avenue Girl"

(RKO)

Ginger Rogers once more proves herself a consummate comedienne in a frothy story of a tired business man who is beset with problems of labor and taxes at his office, and a family which has drifted away from him at home. Walter Connolly, president of a pump company which he founded, is, of course, the tired entrepreneur.

It is a drawing-room comedy which should be easy to sell at the box-office. The names of Miss Rogers and Connolly are strong marquee attractions. As in "Bachelor Mother," Miss Rogers is cast in the role of a simple, hard-working girl who is thrust into contact with the upper classes quite accidentally. The dialogue is witty and the situations hilarious.

Connolly, returning from a board of directors meeting, is reminded by his secretary that the day is his birthday. On his arrival home, he sees a clipping which indicates that his wife (Verree Teasdale) has been receiving the attentions of a rival, his son (Tim Holt) is paying attention to polo instead of business, and his daughter (Kathryn Adams) is in love with the family chauffeur (James Ellison).

During a walk in the park, Connolly meets Miss Rogers, a simple but sophisticated working girl out of a job. He invites her to help celebrate his birthday and after the party hires her to act as companion to arouse the jealousy of his wife.

The ruse is successful and divorce plans are abandoned. Running through the story are the observations of the champion of the proletariat, Ellison, who never quite succeeds in making the household class conscious. The cast never overplays the situations which could easily be spoiled by less clever handling.

Gregory La Cava, who produced and directed, deserves credit for giving this pleasant tale pace and smoothness. Pandro S. Berman was in charge of production and the screen play was written by Allan Scott.

Running time, 77 minutes. "A."* EDWARD GREIF

**"A" denotes adult classification.*

Schaefer Reveals Studio Promotions

(Continued from page 1)

publicity for several years, enters production as a producer in the Lee Marcus unit.

Perry Lieber, who has been Benedict's second in command for 10 years and who is rated as one of the ablest public relations experts in Hollywood, takes complete charge of studio publicity and advertising under Barret S. McCormick, home office executive.

Bert Gilroy, veteran RKO shorts producer, will produce features exclusively in the Lee Marcus unit henceforth, and Lou Brock will have charge of the short subjects department.

J. R. McDonough, vice-president in charge of studio operations, and Sid Rogell, studio manager, continue in their present capacities.

Skouras Honored At Denver Parley

DENVER, Aug. 17.—Admitting that some unintentional bad practices may have developed in the film and theatre business in its career, Spyros Skouras, head of National Theatres, declared they were not so great as to preclude correction.

Here attending the annual Fox Intermountain Theatre convention for one day, Skouras said he hoped the Government suits had been brought in good faith, thus helping and not hindering the industry.

Skouras praised the theatre as being the most potent aid in giving Americans a love of country.

He was tendered a luncheon by Rick Ricketson, Fox Intermountain division manager, with 250 attending. Skouras was presented with a combination watch and currency holder.

Jack Warner Denies SWG Intimidations

LOS ANGELES, Aug. 17.—Jack L. Warner, Sol Wurtzel and E. J. Mannix today denied from the witness stand in the N.L.R.B. hearing on the charges of Wagner act violation against eight major producers that they had in any way intimidated members of the Screen Writers Guild.

The hearing opened today before Trial Examiner J. J. Fitzpatrick, sent here from Washington, with the producers moving unsuccessfully for dismissals of the complaints on the grounds that the Board has no jurisdiction over the film industry and that writers are not "employes" in the true meaning of the Wagner act.

Warner, the first witness, denied having sent notices to writers urging them to quit the Guild.

He declared that he felt that writers are not employes but creators and said he was opposed to a two-year personal contract limit which the Guild has been attempting to push." "If writers are any good they should be put under longer contracts to studios," Warner said.

Mannix and Wurtzel echoed Warner's view that writers are not employes.

AFL to Make Revised Ruling In Union Fight

(Continued from page 1)

Ralph Whitehead be permitted to return to the A.F.A. as executive secretary and to run for re-election after a 90-day period during which an equally selected 10-man board would rule the A.F.A.

The sub-committee was believed to have submitted a report highly favorable to the 4-A and which contained provision for the exclusion of Whitehead.

The 4-A was reported to have accepted the report while Whitehead formally announced that his group would reject it.

Green declared that the council proposal tomorrow would make provision for Whitehead's remaining in the picture, but would modify the 10-man board setup to permit the selection of the eleventh person in the event of a deadlock.

IA Officers Freed In Contempt Case

LOS ANGELES, Aug. 17.—Declaring that George E. Browne, I.A.T.S.E. International president, is chiefly responsible for violation of the injunction preventing the splitting up of Local 37, Superior Judge Henry Willis today dismissed the contempt of court charges against J. W. Buzzell, Central Labor Council officer, and four I.A.T.S.E. officials.

Three others, however, must present a defense to charges that they had violated the restraining order prohibiting the dissolution of the local. They are Steve Newman, International officer in charge in Hollywood; Zeal Fairbanks and Boyd Young, Alliance officers.

The cases against John Gatelee, Frank Stickling, Harold V. Smith and Lew G. Blix were dismissed.

Judge Willis declared that there was no question that the injunction had been violated and that Browne was primarily responsible. The court said:

"It is regrettable that Browne is not within the jurisdiction of this court."

Murphy Aids CIO, Coast AFL Claims

LOS ANGELES, Aug. 17.—After making public a letter to Attorney General Frank Murphy whom they charged with using the prestige of his office to aid the campaign of the CIO against the I.A.T.S.E., three American Federation of Labor officials called today upon Charles Carr, assistant to Murphy, to promise him cooperation in the widespread labor racketeering inquiry now under way.

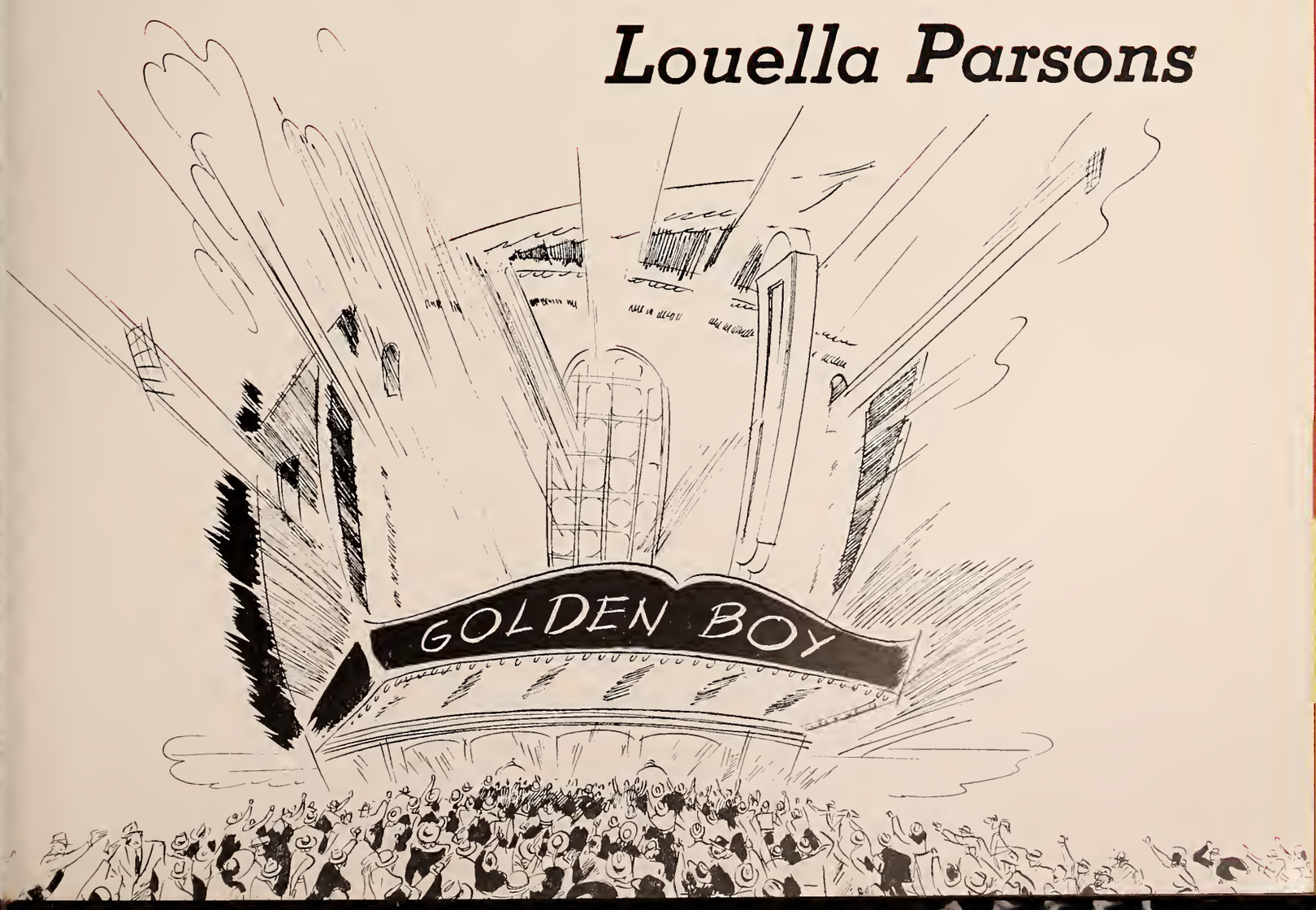
Carr declared that "there is no foundation to the charge that Murphy is favoring the CIO."

J. W. Buzzell, Central Labor Council executive secretary; A. H. Peterson, A. F of L. representative for the local district, and John Gatelee, International I.A. representative, called on Carr.

Hollywood, Cal., Aug. 15

..."Film history was made last night when GOLDEN BOY was previewed!"

Louella Parsons



There's nothing more we can say about...

"GOLDEN BOY"

COLUMBIA PICTURES

LIFE *says:* "GOLDEN BOY will leave you limp with its drama. William Holden and Lee Cobb are important discoveries. Barbara Stanwyck, Sam Levene and Adolphe Menjou standouts. Director Mamoulian has a hit here."

PHILA. PUBLIC LEDGER *says:* "William Holden proved a real Golden Boy. Here is a new star. Lee Cobb, who plays the role of the father, is another discovery of first importance."

BOSTON GLOBE *says:* "GOLDEN BOY is one of the very fine pictures of the year. I saw a star being born in William Holden and a great actor in Lee J. Cobb. From every standpoint, this Columbia picture is one to write home about."

More Raves on GOLDEN BOY

VARIETY *says:* "Fine blend of drama, action, romance and human appeal. Dandy entertainment. Femme appeal strong in persuasive, engrossing love story, while men will go for action angle. Holden looks like solid and lasting juvenile find."

ASSOCIATED PRESS *says:* "Columbia has one of the top-ranking productions of the year in GOLDEN BOY."

UNITED PRESS *says:* "GOLDEN BOY more than lives up to its advance publicity, turning out to be one of the best pictures of the season."

BOXOFFICE *says:* "Deserves praise on many counts. GOLDEN BOY has the assets to make its mark in patronage and praise."

SHOWMEN'S TRADE REVIEW *says:* "Human, touching picture that should do exceptionally well at the boxoffice."

FAWCETT PUBLICATIONS *say:* "A knockout from start to finish. Columbia's GOLDEN BOY is a picture to see over and over."

PHOTOPLAY *says:* "GOLDEN BOY brings to the screen two newcomers of great importance, William Holden and Lee Cobb. Chalk them up for future reference."

JAY EMANUEL PUBLICATIONS *say:* "Columbia can take a big bow on this offering. It should stimulate the boxoffice in any man's theatre."

NORTH AMERICAN NEWSPAPER ALLIANCE *says:* "The new Columbia picture comes under the head of outstanding entertainment."

TORONTO STAR *says:* "GOLDEN BOY promises a golden harvest for exhibitors. It has story, stars, production value and finesse, plus a two-year preliminary buildup which has made fans anxiously await it."

MOTION PICTURE DAILY *says:* "GOLDEN BOY has had more buildup in the public prints than most pictures can take. There was the story about the big price paid for Clifford Odets' stage play, to start with, and there was the sustained sequence of newspaper stories about the search for the youngster to play the title part. These things breed titanic expectations. This picture justifies them. A rare 100 minutes in the theatre."

CBS Raises Rate Schedule Average 7.5%

Columbia Broadcasting System has made the first general rate revision since late in 1936, in its new rate card just published.

Growth of the radio audience and steady improvement in the power and facilities of CBS are noted since the last rate change. The new rate card, effective Sept. 15, for new contracts and effective Sept. 15, 1940 for present contracts, advances CBS rates 7.5 per cent over the present average.

Comparison of the present card, and the new one, known as No. 26, discloses: Time charges for 12 stations have been lowered $25 per evening hour; 41 stations remain constant; 56 stations increase an average of $36.16; two stations added to the network (WMT, Cedar Rapids, and KWFT, Wichita Falls).

The total is 111 stations. With four bonus stations and a choice of WMFG or WHLB, Hibbing and Virginia, Minnesota, and a choice of WGR or WKBW, Buffalo, the complete CBS network now stands at 117 stations in 116 cities.

The basic network under the new rate card comprises 26 cities, compared with 25 on the present card.

Schine Defendants Served in Trust Suit

Virtually all individual and corporate defendants in the Government anti-trust suit against the Schine circuit and major distributors were served in New York during the past week. Service was accepted by most defendants in person, while attorneys accepted service for others.

The Schine suit was filed in Federal court at Buffalo, Aug. 7. It was followed four days later by an anti-trust suit against Crescent Amusement, of which Tony Sudekum is president, which was filed in Federal court at Nashville. Local defendants named in the latter suit have not been served yet.

Court Stops Chicago Ban on Radio Show

CHICAGO, Aug. 17.—Master-in-Chancery Daniel Cavelli upheld injunction restraining city officials from stopping "Dr. I. Q.," radio show at Chicago theatre. City officials apparently have dropped the case as they did not file answers when due this morning. This indicated that city officials are probably convinced that the show is not a lottery. It is possible that the program may continue at the Chicago Theatre after the present contract expires next Monday.

Postpone Omaha Golf

OMAHA, Aug. 17.—Film industry golf tourney and party, to have been held here Aug. 21 by the Omaha Variety Club, has been postponed until the middle of September due to complications in arrangements. No definite date has been set. M. G. Rogers of Film Transport is general chairman in charge of the event.

Hollywood Preview

"These Glamour Girls"

(M-G-M)

HOLLYWOOD, Aug. 17.—M-G-M's "These Glamour Girls," a story of debutantes and college life, is a timely exploitation natural by virtue of the columns of newspaper space being accorded "glamour girls," self made and otherwise. Basically not new, the story thrusts a taxi dance hall girl into a fling among "the best people" and has her expose their mental and moral shabbiness.

The very capable cast which includes marquee names of considerable strength consists of Lew Ayres, Lana Turner, Tom Brown, Richard Carlson, Jane Bryan, Anita Louise, Marsha Hunt, Ann Rutherford, Mary Beth Hughes, Owen Davis, Jr., Ernest Truex, Sumner Getchell, Peter Hayes, Don Castle and Tom Collins. S. Sylvan Simon directed from a screenplay by Jane Hall and Marion Parsonnet, adapted from a *Cosmopolitan Magazine* story by Miss Hall. Sam Zimbalist was the producer.

Lana Turner, as the taxi dancer, is met by Ayres, wealthy college youth who, while drunk, invites her to the annual house party of his fraternity, forgetting he had already invited Jane Bryan. Complications arise through the disclosure that Miss Turner is a taxi dancer. She finally wins through while another thread of the story tells of the suicide of a "perennial prom girl" who has been compromised.

Running time, 85 minutes. "A"* VANCE KING

**"A" denotes adult classificaiton.*

Wanger to Produce Jules Verne Classic

HOLLYWOOD, Aug. 17.—Walter Wanger plans to produce Jules Verne's classic of adventure, "Around the World in 80 Days," as the most pretentious film the producer ever has attempted.

The budget has been set at $2,000,000, according to Wanger, and the picture will go into work in February. Jacques Thery is working on the screen adaptation of the book, and negotiations are under way for Ronald Colman to play the leading role. United Artists will release the picture.

'Cavalcade' Opening Will Be for Charity

HOLLYWOOD, Aug. 17.—Twentieth Century-Fox will hold the premiere of the color production, "Hollywood Cavalcade" at the 4 Star Theatre in September at a date to be set, with the entire proceeds going to charity.

Seats will be priced at $11 each, and the full gross will be donated by the company to the Hollywood Motion Picture Relief Fund. The plan is said to have been suggested by the theme of the film, which makes reference to old-time stars of the screen, now in need. It will be the first time a Hollywood premiere will be solely for charity.

Radio Company Formed

DOVER, Del., Aug. 17.—Radio Electronic Television Corp. has been formed here to engage in the business of communication by wire, with capital of $2,000,000. Incorporators are Edward Hughes, Vincent W. Westrup and H. A. Gaffor of New York.

Pollock on Fair Staff

Leo Pollock, until recently advertising and publicity director for Tri-National Films, Inc., is now assisting Leo Casey, newly-appointed director of public relations for the New York World's Fair. Pollock is in charge of the assigning of the publicity and photographic staff.

UA Foursome Wins Canada Golf Trophy

TORONTO, Aug. 17.—The N. L. Nathanson Trophy, emblematic of the team golf championship of the film industry in Canada, was captured by the United Artists foursome at the first annual Canadian Film Golf Tournament at the Oakdale Golf Club, Toronto. The team comprised H. M. Masters, general manager, Peter Myers, Richard Tarshis and D. Axler of the Toronto branch.

Second in the standing was the team of Famous Players Canadian Corp., which was made up of Jack Arthur and Robert Eves, Toronto theatre managers; C. L. Dentelbeck and Ben Whitham, the two latter being of the home office staff. Low gross was won by Pete Myers of United Artists and low net was scored by Dentelbeck with a 70. Bob Eves won the prize in the long driving competition.

Boy Scouts to Rule NBC Blue 7 Hours

The Boy Scouts of America on Tuesday will take over operation of the NBC Blue network nationally from Radio City. Thirty-two Eagle Scouts from the Ten Mile River Scout Camp will handle the network from 12 noon to 7 P. M., taking over executive offices, program department, production, auditions and other operations.

The Scouts will write, produce, direct and announce a 15-minute "melodrammer" of their own.

'Vox Pop' Moving

The Penn Tobacco Co. "Vox Pop" program will be moved to a 50-station CBS network, effective Oct. 5. It will be heard Thursdays, 7:30 to 8 P. M. Ruthrauff & Ryan handles the account.

Takes WHN News Series

North American Accident Insurance Co., Newark, N. J., has taken 12 quarter-hours weekly of United Press News over WHN. The series will start Sept. 11 and run for 13 weeks.

Newsreel Parade

President Roosevelt takes the newsreel spotlight while on vacation. The reels and their contents follow:

MOVIETONE NEWS, No. 98—Roosevelt on vacation. Army regiments on march in Virginia. Twins convene in California. TVA buys private utilities interests in Valley. America's debating team returns. Wins $10,748 in daily double. Graduation of parachute jumpers. Lew Lehr. Log rolling contest.

NEWS OF THE DAY, No. 296—Graduation day for parachute jumpers. British rulers in Scotland. Judy Garland and Mickey Rooney at Waldorf luncheon. California's nominee for "Miss America." Stanley Baldwin speaks in New York. Roosevelt speaks in Canada. Yacht race.

PARAMOUNT NEWS, No. 109—Guldahl wins golf tournament. Britain's royal family at Scottish boys' camp. World-under-arms feature: maneuvers at Plattsburg; conscript army in England; Italian legions in mass drill, and forts along German coast. Roosevelt and family at Canadian resort. Thanksgiving Day advanced; various viewpoints voiced.

RKO PATHE NEWS, No. 9—War games at Plattsburg. TVA purchases Commonwealth & Southern subsidiary in Tennessee. Commerce Department launches census survey. Test rescue apparatus in Australia. "Plant to Prosper" plan in Tennessee. Harvest season in Northwest. Sail boats in derby. Dapper Dan golf tournament.

UNIVERSAL NEWSREEL, No. 798—Roosevelt on vacation. War maneuvers in Plattsburg. King George at boys' camp in Scotland. Twins convene on coast. Miss California chosen. Golf finals in Pittsburgh. Frog jumping contest in New York, Sun Valley rodeo. Parachute jumpers in graduation exercises.

RKO Foreign Sales Parleys Under Way

RKO Radio's foreign sales conventions get into full swing today with the opening of a Rio de Janeiro meeting for the Brazilian force. Bruno Cheli, manager for Brazil, will preside. Phil Reisman, foreign manager, and Nat Liebeskind, southern South American supervisor, will attend.

The meeting will be followed by a convention at Buenos Aires, Aug. 31, for the Argentine sales force. Liebeskind will preside at the meeting, which will be attended also by Reisman.

The company's Australian and New Zealand sales forces will meet at Sydney, Aug. 22, with Ralph Doyle, manager for the territory, presiding.

Ticket Code Action Suffers New Delay

Actors Equity committee which is considering plans for a ticket code for the new season failed to meet yesterday because most of its members were in Atlantic City for conferences with the A. F. of L. executive council. The code was to have been a special order of business at Tuesday's meeting of the council but it is not likely that the report will be ready.

Now It's Popcorn

Winfield, Ia., Aug. 17.—E. S. Tompkins, owner of the Winfield here, drew out a full house after advertising that a bag of popcorn would be given to each paid admission on Friday night.

New Mexico's Film Tax Plan Hits Imports

MEXICO CITY, Aug. 17.—Imposition of a special tax on the exhibition of all foreign pictures in Mexico to create a fund for official stimulation of the national industry is being drafted for submission to the Federal Government by a group of local producers.

As about 200 American pictures alone are exhibited a year in Mexico, it is expected that the proposed tax will yield a considerable sum. The Government is expected to get this proposition early in September.

Boost Mexico-Made Films

That the local municipal government intends to go through with the regulation, enacted some time ago, which demands that all film houses here must exhibit during one week each month native Mexico pictures exclusively, is indicated by a meeting of the producers association and the exhibitors union for the classification of Mexican product.

Pictures which both organizations agree are the best will be screened exclusively in the first run houses. "B" and "C" films are to be shown in the better neighborhoods and in the smaller spots, respectively.

The regulation, which also provides that exhibitors must pay for Mexican films the same percentages that they ordinarily pay for foreign product, is expected to go into effect late this month. It is stipulated that Mexican films that have been exhibited abroad must be considered as foreign films.

Censors O.K. Religious Films

Two out-and-out religious pictures, "Saint Theresa of the Child Jesus," made in France, and "The Curé of Aldea," Spanish made, have passed the Mexican censors. They are the first wholly religious pictures to pass the censors.

136 Radio Stations in Mexico

One hundred and thirty-six radio stations were registered in Mexico on Aug. 1, according to the Ministry of Communications and Public Works, which supervises Mexican radio. Ninety-nine of these stations are active. Last Nov. 1 there were 108 stations.

Stewart to KCMO

KANSAS CITY, Aug. 17. — KCMO has signed Jack Stewart as general manager. Stewart started with WHK, when it was Cleveland's pioneer station, working as a technical man. In 1922 he joined WIAU, Columbus, in a commercial capacity. He was vice-president and general manager of WCAO, Baltimore, in 1927. In 1930 Stewart joined WFBR, Baltimore, as vice-president and general manager. He was general manager of WCAE, Pittsburgh, a year, and then went with WFIL, Philadelphia.

CBS Series Is Set

Starting Oct. 16, Purity Bakeries Corp. will sponsor "Smiling Ed McConnell" on 18 stations of CBS. The series will be heard Mondays through Fridays, 4:45 to 5. P. M. Campbell-Mithun, Minneapolis, placed the account.

Theatre, Personnel Notes

Buys New Haven House

NEW HAVEN, Aug. 17. — Albert Pickus has acquired the 496-seat Annex, formerly operated and built by Joseph DeFrancesco. Pickus also operates the Stratford.

Williams Opens Theatre

OKLAHOMA CITY, Aug. 17.—The K. Lee Williams Theatres, Inc., has opened a new theatre at Ashadown, Ark., seating 350 persons, according to K. Lee Williams, president. Jerry Callaham is manager of the new house.

Martin Promotes Vinson

OPELIKA Ala., Aug. 17.—A. T. Vinson, Jr., who for the past four years has been assistant manager of the Martin here, has been promoted to manager of the Strand, another Martin theatre, at Florala, Ala.

Sells South Carolina Houses

CHARLOTTE, N. C., Aug. 17.—L. C. Sipe of Charlotte has sold his interest in the City and Palmetto in Chester, S. C., and in the Cherokee in Gaffney, S. C., to H. H. Everett of Charlotte. Fred Powell, who was interested in these theatres with Sipe, retains his interest in them.

Sun Host to Managers

SPRINGFIELD, O., Aug. 17. — Gus Sun, executive head of the vaudeville booking exchange here which bears his name, will be host to theatre managers from Ohio, Kentucky, West Virginia, Indiana, Michigan and Pennsylvania, at an annual beefsteak dinner, to be held on a country place at Mechanicsburg, O., Aug. 27.

Named Columbus Manager

COLUMBUS, O., Aug. 17.—Archie McCleese has been named manager of the Olentangy, neighborhood house, formerly the Piccadilly, recently acquired and reopened by Virgil A. Jackson and John Murphy, who also operate the Wimar, Uptown and Goodale, neighborhoods.

Griffith Moves Office

KANSAS CITY, Aug. 17.—Griffith-Dickinson Theatres, Inc., have arranged to take over the south side of the third floor at 3525 Broadway as their home offices.

Toney Joins Tri-States

DES MOINES, Aug. 17. — W. V. Toney, with National Theatre Supply Co. for nine years, has been appointed to the maintenance department post of Tri-States Theatre Corp., made vacant by the resignation of David H. Dewey.

Remodel in Boone, Ia.

BOONE, Ia., Aug. 17.—The Central States Theatre Corp., Rialto here, managed by S. S. Fangman, has been closed for a $20,000 remodeling program. Lobby and the general aspect of the entire theatre changed. The theatre was air-conditioned last summer.

Eisler Takes Over Fisk

Fisk, Winfield, L. I., has been taken over by Arthur Eisler.

Reopens in Cedar Rapids

CEDAR RAPIDS, Ia., Aug. 17.—The Strand, closed since May 25, has been reopened by H. A. Sodini.

Build in British Columbia

VANCOUVER, B. C., Aug. 17.—A new theatre is planned at Kimberley, B. C., by A. C. Blaine of the Star, Cranbrook.

Kansas House Burns

PRATT, Kan., Aug. 17.—The Kansas, C. H. Barron's 500-seat house, here burned to the ground, with a loss of approximately $30,000.

Sparks to Build House

LAKE WORTH, Aug. 17. — Sparks Theatres plans a new local house, according to P. P. Peeler, manager of the Oakley here.

Takes House in Iowa

LAKE MILLS, Ia., Aug. 17. — A Thompson of Owatonna, Minn., has bought the Irving here from Mrs. F. O. Godtland.

Orpheum Being Altered

Orpheum, Jersey City, will be reopened shortly after Labor Day when alterations are completed.

Six Programs Due To Return to CBS

Three sponsors will return to the CBS network this month and next with six programs, following their summer holiday.

The shows are "Tune-Up Time," for Ethyl Gasoline Corp., returning Aug. 21; "Lum and Abner," Aug. 28 and "We, the People," Sept. 5, both for General Foods, and three programs for Lever Brothers, "Lux Radio Theatre," Sept. 11; "Big Town," Sept. 19, and Walter O'Keefe's new variety show, also Sept. 19.

2 Albany Stations Planning Facsimile

ALBANY Aug. 17. — Transradio Press, which replaces U.P. service to WOKO and WABY at the beginning of October, has granted the stations the rights to use its copy for facsimile broadcasts.

FCC approval has been received by WOKO for the erection of a short-wave transmitter for the facsimile. The station expects to begin its daytime facsimile service during September.

W8XAL Letters Changed

CINCINNATI, Aug. 17. — Crosley short-wave station W8XAL, which has been operating on an experimental basis for a number of years, has been removed from that classification, and assigned new call letters of WLWO by the F. C. C., thus placing the station in position to broadcast regular commercial programs to its Latin-American listeners.

Cincinnati Golf Monday

CINCINNATI, Aug. 16.—A record attendance is expected at the fourth annual golf tournament, to be held by the Cincinnati Variety Club at Summitt Hills Country Club at nearby Covington, Ky., Monday. Proceeds will be turned over to the St. Mary's Hospital fund which the club is sponsoring. Joe Goetz, assistant division manager of RKO Midwest, is general chairman.

Applications Before FCC on Four Stations

WASHINGTON, Aug. 17.—The Federal Communications Commission has received four applications for authority to construct new broadcasting stations.

Construction permits were asked by the Puerto Rico Advertising Co., Inc., for a 1,500-kilocycle, 250-watt station at San Juan, P. R.; Joe W. Engel, for a 1,370-kilocycle, 250-watt station at Chattanooga, Tenn; Knoxville Broadcasting Co., for a 1,210-kilocycle, 250-watt station at Knoxville, Tenn., and Ralph M. Lambeth, for a 1,370-kilocycle, 250-watt station at Greensboro, N. C.

Other applications received at the commission included the requests of WHEB, Portsmouth, N. H., for an increase of power from 250 to 1,000 watts and authority to move the studio and transmitter locally; WSPD, Toledo, O., for increase of night power from 1,000 to 5,000 watts; KONO, San Antonio, for increase of night power from 100 to 250 watts; KARM, Fresno, Cal., for change of frequency from 1,310 to 1,430 kilocycles and increase of power from 100 to 1,000 watts, and KOIN, Portland, Ore., for increase of night power from 1,000 to 5,000 watts.

Application for an increase of power from 250 watts night, 500 watts day, to 5,000 watts, has been filed with the commission by the National Broadcasting Company Station, WMAL, Washington, D. C.

The commission also received applications from a number of stations for increases in night power from 100 watts to the new maximum for local stations of 250 watts, as follows: WPRP, Ponce, P. R.; WJAC, Johnstown, Pa.; WMPC, Lapeer, Mich.; WRAK, Williamsport, Pa.; WBTM, Danville, Va.; WWDW, Pittsburgh; WROL, Knoxville; KALB, Alexandria, La.; WJBY, Gadsden, Ala.; WJHL, Johnson City, Tenn.; KRIC, Beaumont, Tex.; KFVS, Cape Girardeau, Mo.; WRJN, Racine, Wis., and KOBH, Rapid City, S. D.

Increases in night power from 1,000 to 5,000 watts have been asked by KFBB, Great Falls, Mont., and KVI, Tacoma, Wash., while increases in night power from 100 to 250 watts were asked by WSNJ, Bridgeton, N.J.; WGH, Newport News, Va.; WMBS, Uniontown, Pa.; WATL, Atlanta; WPAX, Thomasville, Ga.; WJBL, Decatur, Ill.; WHFC, Cicero, Ill.; WIBU, Poynette, Wis.; KFAM, St. Cloud, Minn.; KPFA, Helena, Mont., and KWYO, Sheridan, Wyo.

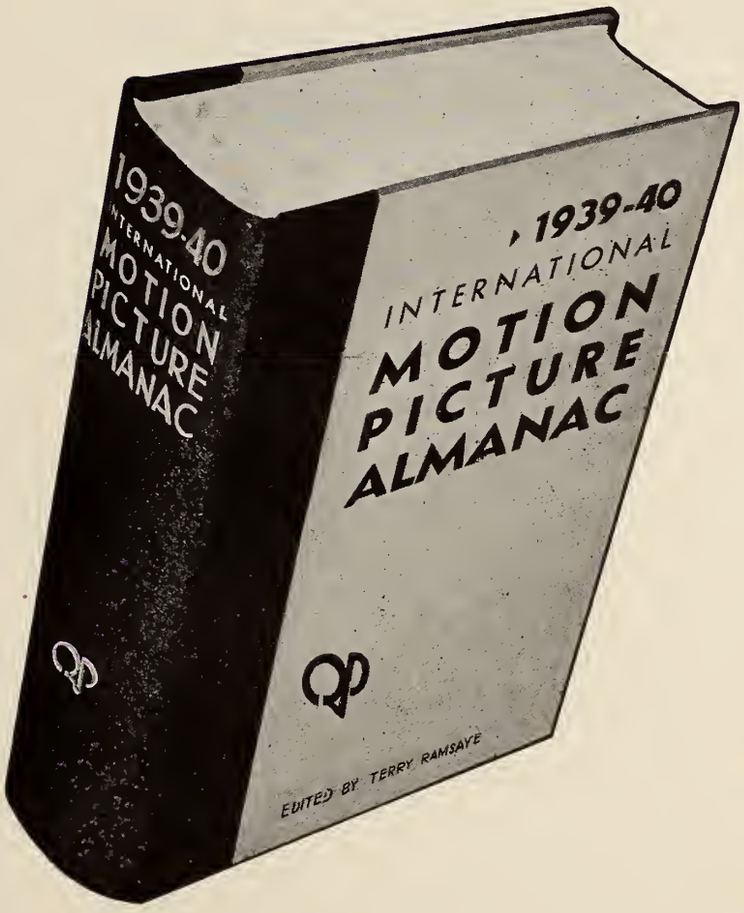
Stations Join Mutual

WCMI, Ashland, Ky., operating on 250 watts daytime and 100 watts at night on 1,310 kilocycles; WSIX, Nashville; WLAP, Lexington, Ky., and WGRC, Louisville, will become affiliated with the southern loop of the Mutual network on Sept. 24.

Form Athletic Groups

SAN FRANCISCO, Aug. 17.—More than 200 members of NBC's local staff, comprising KPO-KGO, have formed the NBC Athletic Association, with Jennings Pierce, western division director of agricultural broadcasts, as president.

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OUT NEXT WEEK

NO SHOWMAN SHOULD BE WITHOUT ONE. ORDER TODAY!

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ROCKEFELLER CENTER, NEW YORK

Government Action Kills Trade Code

(*Continued from page* 1)

adoption under existing conditions might be to compel independents to comply in order to survive.

"In addition to the illegality of the code in failing to provide for divestiture of production and distribution from exhibition, various specific provions of the code are directly challenged by the Government in the pending litigation against the major companies."

"The code is based upon a structure of the industry which the Department expects to show is in clear and open violation of the Sherman anti-trust law," Arnold concludes. "Therefore, the Department, in order to make its prosecution policy clear is compelled to announce that the adoption of the code dated Aug. 10, 1939, by the motion picture industry can only lead to continued and perhaps additional prosecutions."

Arnold Suggests Many Reforms

Arnold's letter then suggests conditions which any code would have to correct in order not to receive Governmental disapproval.

These suggestions, which include divorcement of affiliated theatres, comprise all of the important "reforms" which the Government hopes to achieve through its various industry anti-trust suits. To accept the suggestions by including them in an industry code would be tantamount, attorneys said, not to formulation of a trade practice program but to acceptance of a Government-dictated consent decree. This, they left little doubt, is not being considered.

Claim "U. S. Sabotage of Code"

Many in the industry referred to the development as a "Governmental sabotage of the code."

Negotiation and drafting of the pact was begun a year ago last month and variously occupied every ranking sales executive and major company attorney, exclusive of many company heads and exhibitor leaders, during that time. In all, the time put into the drafting of the pact could be measured in months for many of the negotiators. Its cost in executives' time and actual expenditures for traveling, stenographic and clerical help and printing of the various drafts, has been estimated at more than $250,000.

A first draft was completed and made public in January. A revised draft followed several months later and, after further consultations with exhibitors, a third draft was issued. The final draft was completed last week.

Final WB Release

"The Angels Wash Their Faces," featuring Ann Sheridan and the Dead End Kids, will be released Aug. 26 as the final Warner release of the 1938-'39 program.

'Tune-Up Time' Returns

"Tune-Up Time" will return to its regular Monday evening (8 to 8:30 P. M.) spot next Monday over a CBS network, with Andre Kostelanetz conducting the orchestra.

Independents Hail U. S. Refusal of Code As Proof Their Criticisms Were Justified

Washington, Aug. 17.—Independent exhibitor interests saw in the Department's rejection of the code complete substantiation of their criticism that the distributor proposals offered the theatre owners no relief from their present situation.

Refusing to comment on the letter, saying that the Department's action spoke for itself, Abram F. Myers, Allied general counsel, asked:

"Now, how about a code that will command the confidence and respect of the Government, the independent exhibitors and the public in general?"

Code Must Have Reforms Which U.S. Seeks—Arnold

WASHINGTON, Aug. 17.—Provision for correction of the following conditions which the Department of Justice charges exist within the industry would have to be made in any trade practice code which was not destined to receive the disapproval of the Government, Thurman Arnold, Assistant to the U. S. Attorney General, states in his letter to five major company counsel in which his views of the code are expressed. All of the conditions are in addition to the Government's basic demand for divorcement of affiliated theatres.

The conditions comprise what the Department believes are the economic effects of current trade practices. They first appeared publicly in a statement to the press issued by Arnold at the time of the filing of the New York anti-trust suit last July. They are as follows:

"Independent theatres are being driven out of business because of the onerous and discriminatory conditions and it will only be a question of a short time before there are no independents left in the field.

"New competitors who attempt to enter the exhibition business find it almost impossible to secure film on any reasonable and non-discriminatory basis with the result that there is practically no effective new competition. Independent theatres that have managed to survive thus far are compelled to operate under terms which leave them very little freedom in the selection of films and in the management of their own business.

"Independent producers find it practically impossible to secure a satisfactory market for their films because of the domination by the major companies of exhibition.

"New capital investment in the business is discouraged because of the great difficulty of competing on a fair basis with the major companies, either in production or exhibition.

"Theatre patrons are given no opportunity to exercise a choice as to the type of pictures they desire to see and there is no expression of community taste.

"There is no opportunity for new forms of artistic expression which are not approved by those in control of the major companies."

"These conditions, in the opinion of the Department, will not be remedied by the proposed code," Arnold declared.

Delay TMAT Hearing

Formal hearings before the State Labor Relations Board on the petition for recognition by M. P. Division of Theatrical Managers, Agents and Treasurers Union in the Raybern circuit (Dave Weinstock) were postponed yesterday until Aug. 29.

Fate of Industry's Parleys Unknown

Washington, Aug. 17.—Department of Commerce officials have no suggestions as to how the Thurman Arnold action might affect the conferences which have been going on with representatives of the film industry and themselves. Dr. Willard L. Thorp, Ernest Tupper and Nathan Golden, Department officials conducting the meetings, are all absent from Washington.

Film Chiefs Silent On Arnold's Letter

(*Continued from page* 1)

volving films, but declined to receive reporters when requested to do so.

Most of those who declined to be quoted characterized the Government action as "calculated to further harass the industry in the hope that it will do what its national litigation program has failed to do—force us into an Arnold-dictated consent decree."

Some appeared unbelieving and others inferred that the Government "prefers to see confusion in the industry, rather than peace." Not a few appeared to receive the news with undisguised relief over a way out of a troublesome and costly problem having been foisted upon the industry by the Government.

Few appeared to believe that any basically altered code would be attempted in lieu of the former one in an effort to woo Government favor. Most appeared to believe that the large companies now should concentrate solely on defense of the various Government suits pending and to be filed.

Splash Party Success

CHICAGO, Aug. 17.—A record turnout added much to the success of the Splash Party held jointly by the Chicago Film Industry Women's Club and the Film Broker's Club.

Internationals Asking Studio Contract Talk

International unions which are signatories of the five-year basic agreement with producing companies have requested that an annual negotiating meeting be held in Newark, Aug. 25, to discuss a renewal of the pact which expired last March.

The basic agreement continues in effect automatically pending renewal of negotiations.

Internationals which requested the meeting are the Brotherhood of Electrical Workers, American Federation of Musicians, Carpenters & Joiners Brotherhood and Teamsters Union. Unless the I.A.T.S.E. reenters the agreement in the meantime, it will not be represented at the meeting inasmuch as it withdrew from the agreement last Spring and has done nothing except to express its intention of reentering.

Spokesmen for the internationals asserted that only routine subjects would be up for consideration at the meeting. Date and place of the session have not been confirmed yet by producers' representatives and are subject to change.

Neely Bill Denounced By Colorado Circuit

DENVER, Aug. 17.—Directors of Gibralter Enterprises, Inc., operating 39 theatres in this area, denounced the Neely bill, claiming it would work insurmountable hardship on individuals in the theatre business.

The directors attended yesterday's annual meeting of the company, at which 38 circuit managers were present. Appearance of film stars on radio programs was held to be detrimental to the theatre business, as are the "derogatory activities of so-called radio columnists." It was suggested that ad sales departments print and make available to exhibitors extra proof sheets of all ad mats.

Charles R. Gilmour, Denver, was reelected president; E. John Greer, treasurer and board chairman, and Everett Cole, secretary. Vice-presidents are E. J. Schulte, E. W. Ward, T. F. Murphy, W. H. Ostenberg and Nathan Salmon.

World Series Rights Exclusively Mutual's

CHICAGO, Aug. 17.—Mutual Broadcasting System obtained exclusive rights for the 1939 World Series today. Gillette Safety Razor Co. will be the sponsor. The series has heretofore been broadcast by all three major networks and was sustaining for the past two years. Fred Weber, general manager, acted for Mutual, J. P. Spang, Jr., president, for Gillette, and Judge Kenesaw Mountain Landis for the baseball clubs.

Two Firms Chartered

ALBANY, Aug. 17.—Two new theatrical firms incorporated here are: Jefferson Pictures, Inc., by Joseph Rosen and Al Rosen, Hollywood, and Mabel Hudson, New York, and Kaufman Amusement Corp., by William B. Linder, Max F. Finkelstein and Hyman L. Schwartz, New York.

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VOL. 46. NO. 35 NEW YORK, MONDAY, AUGUST 21, 1939 TEN CENTS

Distributors In Arnold Parley to Rescue Code

'One-Man' Ruling Against Pact Draws Trade's Fire

Distributor attorneys will meet with Thurman W. Arnold, assistant to the U. S. Attorney General, in Washington today in an attempt to convince him that a majority of the exhibitors want the proposed trade practice code which Arnold has declared is illegal. The committee will also attempt to convince Arnold that his view of illegality is wrong.

Department of Justice officials at Washington disclaimed knowledge of the meeting, declaring that as far as they knew neither Attorney General Murphy nor Arnold would be in the Capital today. They said, however, that Arnold, while in New York City, may have arranged the meeting without advising his office.

It was indicated that this was the only course left open to the industry after Arnold's pronouncement of last week that the code was "illegal" and that its adoption "can only lead to continued prosecution."

The procedure, at least, will make it clear that distributors can not be charged with the responsibility for the death of the code, it was pointed out, and still stand ready to put the pact into operation if the Department of Justice will make that possible.

While legal opinion among the distributors is that the Arnold action "sabotages" the code, sales managers strongly feel that their work of 14 months in shaping the document should not be destroyed because of the opinion of "one man."

It was intimated that if Arnold persisted in his views, the pleading will be taken to a higher authority, possibly Attorney General Murphy or President Roosevelt.

Roosevelt Urged Code

It was on the recommendation of the President that the company heads initiated work on a code more than a year ago. At a White House conference attended by Will H. Hays and ranking company executives in June, 1938, the President strongly urged that a code of fair practice be drawn. The conferees considered this a mandate.

Industry legal circles are not hopeful of the Department reversing its stand, however. While company attorneys are continuing their study of the situation created by Arnold's attitude, they view the code as having been effectively stopped and are convinced that nothing short of a consent decree on the Government's own terms would alter the Assistant Attorney General's stand on the code.

Reading between the lines of Arnold's statement, attorneys say there is justification for believing that Ar-

(Continued on page 13)

Allied Expels N. Y.'s Unit On 3 Counts

Fought National Policies, Charge; Cohen in Denial

National Allied has expelled the New York unit on the ground that it has pursued a course contrary to the policies of the national organization.

A bulletin issued by the national organization on Friday disclosed that the action had been taken pursuant to a mail poll of the directors. Grounds for the action were stated as follows:

1. Failure of the New York organization to discharge its obligation to support the national association.

2. Acting contrary to the policies of Allied States Association.

3. Failure to curb attacks upon and criticisms of National Allied and its policies by the president of the New York organization.

These were said to be in violation of the Allied constitution.

Max A. Cohen, president of New York Allied, denied all the charges. He said that the New York unit actually was not a member of the national organization as it had failed to pay the required membership dues, although it had contributed to the "defense fund."

Cohen, at a press conference, declared that the entire action of the New York unit had been in conform-

(Continued on page 13)

3 IA Officers Found Guilty of Contempt

Los Angeles, Aug. 20.—Superior Judge Henry Willis Friday found three I.A.T.S.E. officials guilty of contempt for violating the injunction which forbid splitting up of Studio Technicians Local 37. Steve Newman, International officer in charge of the Hollywood Alliance office; Boyd Young and Zeal Fairbanks, officers of two of five new locals created from Local 37 membership, were found guilty and must face sentence Monday.

Strike by TMAT Hits 16 Theatres

M. P. Division of Theatrical Managers, Agents and Treasurers Union declared a strike Friday at 16 Nelson-Renner-Endicott circuit houses in Brooklyn and Long Island. The union claimed a 90 per cent effective walkout of managers and assistants, but the circuit declined to make an estimate or comment.

Strike was called, the union said, because Paul Weintraub, formerly man-

(Continued on page 13)

Kuykendall, Brandt In Code Statements

Exhibitor leaders in the persons of Ed Kuykendall, M.P.T.O.A. president, and Harry Brandt, I.T.O.A. president, urged distributors over the weekend to ignore the views of the Department of Justice and to put the code into effect immediately.

Kuykendall's statement follows:

"The action of the Department of

(Continued on page 2)

Almanac Out With New Trade Facts

The film industry, which employs a total of 282,000 persons in all its branches, pays them an average wage of $1,306.98, which compares with an average wage in New York State in all work of $1,211 and in the nation of $1,027, it is indicated by Terry Ramsaye, editor, in the 1939-40 International Motion Picture Almanac, a Quigley Publication, out this week.

The Almanac's 1,196 pages give the biographical records of more than 11,500 individuals in the industry, in wordage approximating 918,000. This year, 986 names were removed, while 520 new personalities won inclusion for the first time.

With almost 11,000,000 seats in film houses throughout the country, each occupied 7.78 times weekly, the average attendance for each theatre figures

(Continued on page 2)

4-A Plans to Bolt A. F. of L.; Strike Moves Anticipated

Following denial of their demands to the A. F. of L. executive council for the elimination of Ralph Whitehead, executive secretary of American Federation of Actors, the international board of the Associated Actors and Artistes of America, parent body of actor unions, is preparing for a national referendum of its 30,000 members on the question of withdrawing from the A. F. of L.

There is no consideration at present of joining the C.I.O. Instead, the plans are to remain an unaffiliated union.

Strike plans engaged the major consideration of 4-A executives over the weekend. It is considered almost inevitable that Sophie Tucker, A.F.A. president, who is now under suspension in the Screen Actors Guild, American Federation of Radio Artists and Actors Equity, will be expelled from Equity at tomorrow's council meeting. This will compel the 70-odd Equity members now scheduled to reopen in Vinton Freedley's "Leave It to Me" to refuse to work with her in that show.

Freedley is not likely to open the show in New York without Miss Tucker and if he attempts to put it on the road without her, the Stagehands Union, an I.A.T.S.E. affiliate, is expected to refuse to permit its members to work in the show. Whether the general strike movement will then spread to other Broadway shows is problematical, but, in any

(Continued on page 13)

Almanac Out; Gives Newest Trade Facts

(Continued from page 1)

at 5,230.44 per week. Ramsaye opines that "the decimal fraction no doubt allows for midgets."

Attendance declined approximately 80,000,000 to 85,000,000 per week. The drop was paralleled by the fact that fewer theatres were dark at the end of the year than at the close of 1937, a reflection of the upward swing of patronage in the Fall.

According to the Almanac, the industry spent $150,000,000 to produce the current season's product, an important factor being the increase of $91,000,000 in the annual Hollywood payroll.

Besides the many informational departments standardized by the Almanac, such as the bankers' story of the year, the listings of the official families of companies, unions and associations in all fields, including equipment, motion picture titles and credits, and screen personalities of the radio, all arranged for rapid consultation, the new edition of the Almanac gives attention to television, its progress, limitations and leaders.

Lewis Play, Parrott Novel for Columbia

Columbia on Friday completed negotiations for the acquisition of the Sinclair Lewis play, "Angela Is Twenty-Two," and the Ursula Parrott novel, "For All of Our Lives." The two properties will be produced by Jack Skirball, in association with John Wildberg, legitimate producer and attorney.

The Lewis play, which was produced for the stage last Winter with the author and Philip Merivale in the cast, will be produced at Eastern Service Studio, Astoria, for Columbia distribution.

Arnstein to Appeal Dismissed WB Suit

Notice of appeal to the U. S. Circuit Court of Appeals from the dismissal of his suit against Warner Bros., Ascap, the National Broadcasting Co., Columbia Broadcasting System and a large number of music publishing concerns was filed on Friday by Ira B. Arnstein. Trial of the suit which lasted several months before Judge Edward A. Conger involved charges of plagiarism of 57 of Arnstein's songs and a claim that Arnstein was unfairly excluded from membership in Ascap.

'I. Q.' to Pittsburgh

CHICAGO, Aug. 20.—NBC has announced that "Dr. I. Q.", cleared of lottery charges when broadcast from the stage of the Chicago Theatre, will be broadcast from the stage of the Stanley in Pittsburgh, beginning Aug. 28.

Seiden Producing Film

Joseph Seiden is producing and directing a new Yiddish film at the Cinema Studios, Palisade, N. J. Titled "Kol Nidre," the film features the Yiddishe Bande, Polish-Jewish troupe.

◂ *Purely Personal* ▸

W. F. RODGERS, M-G-M sales manager, went to Chicago over the weekend and is expected back in New York within a few days.

•

LOUIS LEFFLER of the Jefferson Amusement Co., Beaumont, Tex., is here for the World's Fair. Also LEWIS DEUTSCH of the Minneapolis Amusement Co., HOWARD RAHN, Albion, N. Y.; HAROLD MCDERMOTT, Batavia, N. Y.; and Mr. and Mrs. W. J. GODWIN of Mandan, N. D.

•

ERICH POMMER, British producer, arrived Friday night on the *Mauretania* to continue negotiations on several deals. With MRS. POMMER he left for the Coast over the weekend to visit their son, JOHN, who is at the RKO studio.

•

STEPHEN GOOSSON, Columbia art director, sailed on the *Champlain* Saturday. Other passengers were LOTHAR WOLFF of March of Time and VIOLETTE CUTTINGTON, secretary to LESLIE HOWARD.

•

KAY FRANCIS, after a 12-day visit at the farm home of LOUIS A. BROMFIELD, near Mansfield, O., has returned to Hollywood by plane. She spent most of her vacation treating a cold and sinus trouble.

•

HARRY LANDE, head of Independent Film Service of Cleveland, left Saturday after concluding a deal with J. H. HOFFBERG for the Ohio and Kentucky franchise on Hoffberg product.

•

N. C. CASSIDY of the Frolic Theatre, Midland, Mich.; H. S. LEWIS, Chimes, Baton Rouge, La., and W. F. WELLS, Opera House, Newberry, S. C., are among World's Fair visitors in town.

•

S. CHARLES EINFELD, director of advertising and publicity for Warners, arrives today from the West Coast. He will spend at least a fortnight in the east.

•

ROBERT SMELTZER, Warner central district manager, was in town Friday for home office conferences.

•

EDMUND GOULDING, director, has been awarded a new long term contract by Warners.

•

J. R. POPPELE, chief engineer of WOR, left Saturday for a three-week vacation tour to the Coast.

•

J. P. MASTERS, city manager of the Crescent Amusement Co., Bowling Green, Ky., is visiting the World's Fair.

•

IRVING LUDWIG, manager of the Eighth St. Playhouse, is en route to the Thousand Islands via motor and will also vacation in New Hampshire.

•

WILL HAYS entrained Friday night from Hollywood for New York.

•

ADOLPHE MENJOU will arrive from the Coast by train today.

•

WALTER SELIGMAN, manager of the Criterion, returns today from a three-week vacation.

•

JOHN CASSIDY, RKO Theatres publicist, has left for a two-week vacation cruise to the West Indies.

Y. FRANK FREEMAN, Paramount studio head, is expected in New York from the Coast for a home office visit on Aug. 28.

•

GLORIA JEAN, newest Universal star, arrives here today en route to the premiere of "The Under-Pup" in her home town, Scranton. The party also includes GLORIA'S parents, CHARLES PREVIN, "U" musical director, and DAVID LIPTON, Universal's studio publicity chief.

•

GEORGE LAHAN of the Ritz, Blackwell, Okla.; EMERY AUSTIN, assistant general manager of Ralph Talbot Theatres, Tulsa; PAUL TOWNSEND, manager of the Liberty, Oklahoma City, are among Oklahoma theatre men vacationing in various parts of the country.

•

HENRY KING, 20th Century-Fox director, left by plane Friday for the studio after completing background shots in the area between the Catskills and Albany for "Little Old New York."

•

MURRAY SILVERSTONE, United Artists president, and CHARLES SCHWARTZ, U. A. attorney and board member, arrive in Hollywood today for a week's visit.

•

GEORGE J. SCHAEFER, RKO president, and S. BARRET MCCORMICK, advertising and publicity director, will arrive in New York from the Coast this morning.

•

CHARLES ROBERTS, Columbia home office supervisor for Latin America, was scheduled to arrive here yesterday from Mexico by plane.

•

HERMAN GOLDEN of the Columbia home office foreign staff, returned to New York Friday on the *Oriente* from Panama and Cuba.

Grainger Off Today On Exchanges Tour

J. R. Grainger, Republic president, has decided to spend until Sept. 11 touring Republic exchanges. He will be in Gloversville, N. Y., today and tomorrow conferring with Schine circuit executives. Grainger will then go to Chicago and remain there Aug. 23, 24 and 25; Los Angeles, Aug. 28, 29 and 30; San Francisco, Aug. 31, Sept. 1 and 2; Omaha, Sept. 6; Minneapolis, Sept. 7 and 8.

Columbia to Make First Color Picture

HOLLYWOOD, Aug. 20.—Columbia will produce its first feature in color next month when "Arizona" goes before the cameras on a locale near Tucson. The picture is based on the Clarence Budington Kelland *Saturday Evening Post* serial. Jean Arthur will be starred and Wesley Ruggles will direct.

'Golden Boy' to Fair

Wednesday will be Golden Boy Day at the World's Fair. This marks the first time that the Fair has dedicated a day to a motion picture. William Holden, new Columbia star, Adolphe Menjou and Frances Farmer will be on the program.

Kuykendall, Brandt Give Code Views

(Continued from page 1)

Justice is no surprise to me. I have stated publicly many times that the Government would not approve the code. I have said many times that the distributors needed no signatures nor legal approval for the code. The fair trade practice program should be put into effect at once. No one was ever put in jail for doing right.

"The distributors should have put the code in operation long ago. Exhibitors everywhere were fast losing interest in it anyway because the distributors had procrastinated so long.

"I repeat," Kuykendall concludes, "that there is nothing to prevent the distributors from adopting fair trade practices."

Keep Code Fight Up—Brandt

Brandt's statement follows:

"Thurman Arnold has been ill-advised regarding the trade practice code and the needs of independent exhibitors. Divorcement of theatres is not important to the welfare of independent exhibitors. What is important is that the troubles that would be solved through the arbitration provisions of the code would mean a great deal to the success of independent theatre operation.

"I earnestly entreat the distributors to go ahead with the code and allow the exhibitors of the nation to take advantage of what it offers. If the code is not revived by the distributors, the exhibitors can place the blame on the shoulders of Abram F. Myers who has campaigned most actively for Government intervention rather than logical exhibitor relief.

"The Government suit will take at least two years to prosecute and there is doubt as to whether it will be prosecuted to a successful conclusion. The code on the other hand means immediate relief to the independent exhibitors who need that relief most urgently."

From Dallas, Texas, Saturday, Colonel Cole, president of the National Allied, commented:

"Certainly we're not going any further with the code since it has been ruled illegal. We've got into enough hot water over it without going any further."

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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THANK YOU, Mr. Exhibitor...

Thank you for creating the EXHIBITORS' SPONSORED TESTIMONIAL to NEW UNIVERSAL!"



FOR the first time in the history of the motion picture industry, exhibitors have chosen to honor a producing and distributing company with the sponsorship of a booking drive!

— We are proud and happy to have earned such faith!

Thank you, Mr. Spyros Skouras, for undertaking the National Chairmanship for the Drive.

Thank you, Mr. Morton Singer, for volunteering as Chairman of the Mid-West Section!

Thank you, Mr. N. L. Nathanson, for taking over the duties of Canadian Chairman!

We know that words alone can never fully express our appreciation, but you are all showmen and understand the language of BIG PICTURES.

HERE, on the following pages are listed BIG PICTURES and their approximate release dates, that will be and are ready for you during

Here is a Partial List of the Hundreds of Exhibitors Participating in This Tribute!

Max and Jae Levenson; C. H. Buckley; Larry Herman and R. E. Snider; E. M. Fay; Harry Seitz; E. D. Heins; Fred Green; Nate Yamins; Robert Levine; Martin R. Taahey; Eddie Ansin and Harold Staneman; John H. Harris; Marton G. Thalhimer and Sam Bendheim, Jr.; Joseph S. Pizzetto; John Nolan; L. J. Langlois; Bill Jenkins; R. E. Moon; Leo L. Ward; Alex Gaunares; Albert Magnuson; R. G. Peltier; C. C. Perry; H. J. Longacre; Carl W. Buermele; Ted Gamble; Jules J. Rubens; William Brandt. T. C. Baker; Morgan A. Walsh; Irving Carlin; E. C. Rhoden; Jahn Hamrick; Ned Edris; William Rosenthal; Ralph D. Goldberg; F. C. Beatty; Tom Garman; B. F. Shearer;

THE "EXHIBITORS' SPONSORED TESTIMONIAL TO NEW UNIVERSAL" FOR AUGUST • SEPTEMBER AND OCTOBER

EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

SHE LIVED ON THE BACK STREET of LOVE

(Here's a Selling Line That IS EXCITING *Every Woman in the Country!)*

Universal Gives You the Greatest Box-office Team of the Year – Directed by JOHN M. STAHL who Directed "Magnificent Obsession" and "Only Yesterday"



Irene DUNNE Charles BOYER

in

WHEN TOMORROW COMES

with

BARBARA O'NEIL ONSLOW STEVENS NYDIA WESTMAN FRITZ FELD

A JOHN M. STAHL production

Screenplay by Dwight Taylor Based on a story by James M. Cain

Produced and Directed by John M. Stahl

NOW AVAILABLE –

and cracking house records all over the country!

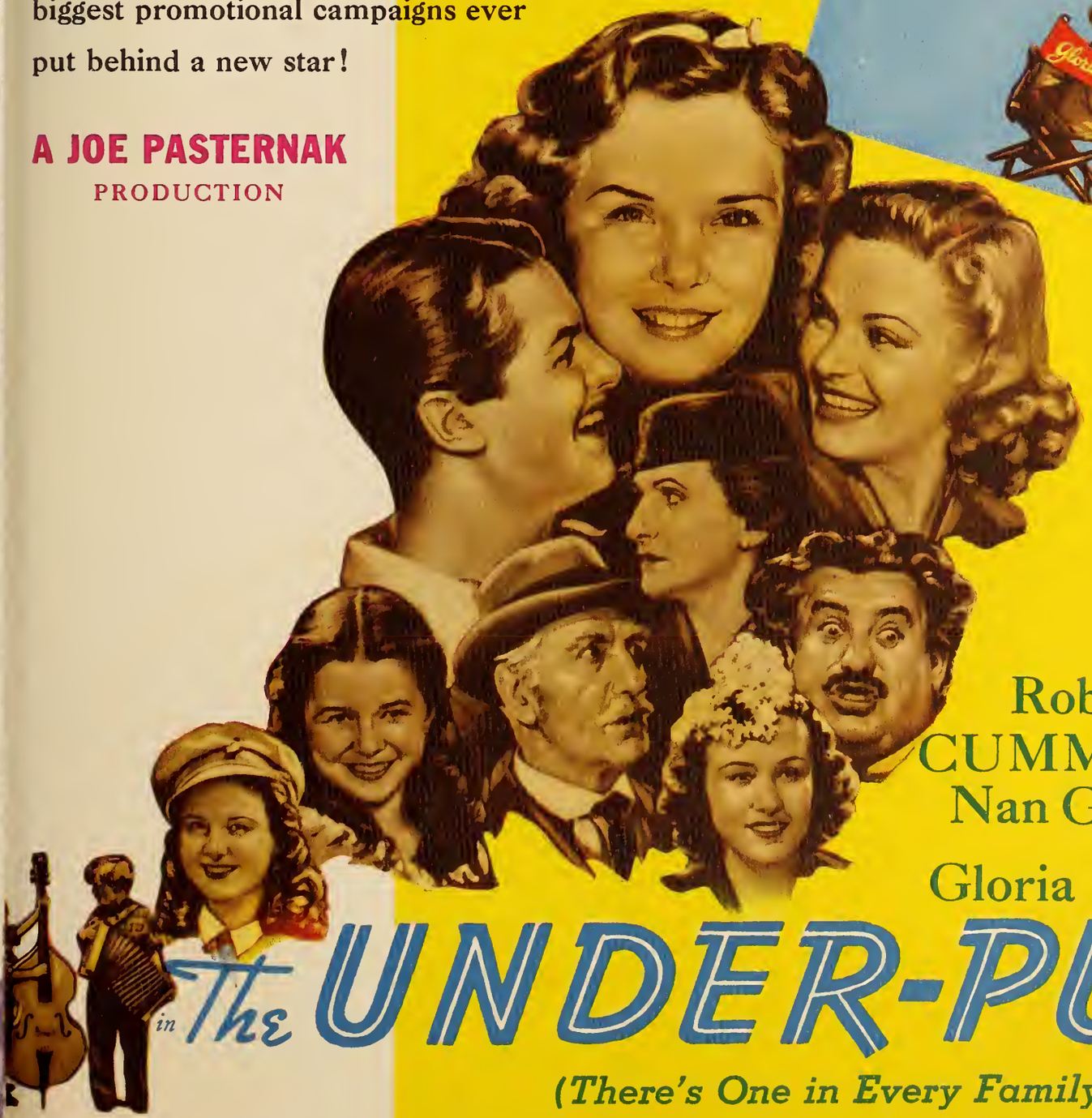
EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

THE UNIVERSAL STAR-FINDERS DO IT AGAIN! An Amazing New Personality Presented to Your Box-Office . . .

Insured by a Splendid Human Production...Crowded with Favorite Screen Names backed by one of the biggest promotional campaigns ever put behind a new star!

A JOE PASTERNAK PRODUCTION





Robert CUMMINGS
Nan GREY
and
Gloria JEAN

in The UNDER-PUP

(There's One in Every Family)

with Beulah Bondi · Virginia Weidler · Margaret Lindsay
C. Aubrey Smith · Billy Gilbert · Ann Gillis
Raymond Walburn · Paul Cavanaugh · Samuel S. Hinds

Original story by I. A. R. Wylie • Screenplay by Grover Jones
Directed by Richard Wallace

READY FOR YOU SEPT. 1ST

EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

DRAMA FROM THE ROOT OF LIFE . . .

YOUTH TURNING TO THE SWIFT CALL OF ADVENTURE

AND THE HEART-CALL OF LOYALTY!



TWO BRIGHT BOYS

Starring

Jackie COOPER · *Freddie* BARTHOLOMEW

with

ALAN DINEHART • MELVILLE COOPER

DOROTHY PETERSON • J. M. KERRIGAN

Directed by Joseph Santley Associate Producer, Burt Kelly

FOR RELEASE SEPT 8TH

EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER



Love and the Glamour of Paris—Transforming a Vengeful Flame to Hatred and Death in a Tropic Penal Hell!



Basil **RATHBONE** and Victor **McLAGLEN**

RIO

with

SIGRID GURIE
ROBERT CUMMINGS
LEO CARRILLO

Directed by

FOR RELEASE SEPT. 22ND

EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERE
BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBE

Deanna

DURBIN



ALL AMERICA is Waiting For This Moment!

Deanna falls in love—her glorious voice finds new inspiration in romance!... Millions of fans eagerly await Deanna

FIRST LOVE

with Helen Parrish, Robert Stack, Eugene Pallette, Lewis Howard, Leatrice Joy, Marcia May Jones, Charles Coleman and other favorites

Produced by JOE PASTERNAK

Directed by HENRY KOSTER



FOR RELEASE SEPT. 29TH

EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

TOWER of LONDON

From Grim Pages Long Hidden by Time . . . Storms the Gripping Drama of the Most Gruesome — Most Fascinating — Character in History!



Starring

Basil RATHBONE

with BORIS KARLOFF, IAN HUNTER, NAN GREY, BARBARA O'NEIL, JOHN SUTTON, VINCENT PRICE

a **ROWLAND V. LEE** production

Produced and Directed by Rowland V. Lee

FOR RELEASE OCT. 6TH

EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

The FIRST of the FAMOUS PRODUCTIONS from HARRY EDINGTON for UNIVERSAL!



BACKED by tremendous star power, an important new producer brings you a picture aimed straight at your box-office . . . The cast—crowded with talent and popular appeal . . . The story—a dynamic, swiftly-paced romance set in the strangest, most dangerous country on earth!





JOHN HOWARD



ALAN HALE



GEO. BANCROFT



VINCENT PRICE



DOUGLAS

FAIRBANKS Jr.

and

JOAN

BENNETT

in

GREEN HELL

with

JOHN HOWARD ALAN HALE GEORGE BANCROFT

GEORGE SANDERS • VINCENT PRICE

A JAMES WHALE production Produced and directed by JAMES WHALE

FOR RELEASE

OCT. 20TH

XHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED
Y UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

SHOWMANSHIP--Two names that will ignite the hearts of romantic America! . . .

Another Pasternak Sensation!



Hesitant Jimmy, glamorous Marlene, make every moment a glowing one as they run the gauntlet of true love to happiness!



Marlene DIETRICH and James STEWART

in DESTRY RIDES AGAIN

with Charles Winninger • Mischa Auer • Brian Donlevy

a Joe Pasternak Production directed by George Marshall

OR RELEASE
CT. 27TH

EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERE
BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBE

To Round Out the BIG PICTURE Schedule Made Ready for You During August, September and October!

MUTINY on the BLACKHAWK

Richard ARLEN *and* **Andy DEVINE**
in the first of the series of the grandest action pictures Universal has ever produced



Backed by a swell cast with CONSTANCE MOORE, NOAH BEERY, GUINN "BIG BOY" WILLIAMS and others.

Produced by Ben Pivar • Directed by Christy Cabanne

Released Sept. 1

DESPERATE TRAILS

Rip-Roaring, Pulse-Stopping Adventure with the Greatest Out-Door Team of the Year



JOHNNY MACK BROWN
BOB BAKER and FUZZY KNIGHT

Produced and Directed by Albert Ray

Released Sept. 8

HAWAIIAN NIGHTS

Breathless Romance of Swing-Mad Youth Set to the Alluring Tempo of the Hula



with JOHNNY DOWNS MARY CARLISLE CONSTANCE MOORE
MATTY MALNECK and His Orchestra
EDDIE QUILLAN THURSTON HALL SAMUEL S. HINDS ETIENNE GIRARDOT
Max Golden, Associate Producer
Directed by Albert S. Rogell

Released Sept. 15

HERO FOR A DAY



Timely as the headlines on tomorrow's sports page!
Action on the gridiron! Love on the sidelines!
A Laugh Touchdown

with
ANITA LOUISE DICK FORAN CHARLEY GRAPEWIN
BERTON CHURCHILL EMMA DUNN
Ken Goldsmith, Associate Director • Directed by Harold Young

Released Oct. 13

TROPIC FURY



A thousand dollar bill—torn in half—starts the strangest, most exciting story ever lived or played, with



Richard ARLEN **Andy DEVINE**
BEVERLY ROBERTS, SAMUEL S. HINDS, LUPITA TOVAR
Produced by Ben Pivar • Directed by Christy Cabanne

Released Oct. 13



UNIVERSAL

Approved by Exhibitors as "The Exhibitor Company!"

4-A Planning To Quit AFL; Strike Seen

(*Continued from page* 1)

event, Equity will bear the brunt of the first battle in the jurisdictional war.

From reliable union sources, it has been learned that S.A.G. has pledged itself to take up the strike in the event Equity members are thrown out of work by the stagehands.

Although Joseph M. Schenck, president of Motion Picture Producers Association, declared 10 days ago that talk of an S.A.G. strike is "bunk," because contracts with studios prevent a strike, the strike is nevertheless a strong probability.

Kenneth Thomson, executive secretary of S.A.G., when told of the statement, stated: "A strike by any union which has a contract is illegal, but if Mr. Schenck thinks that the S.A.G. will not strike when its existence is threatened, well——"

It is also understood that Equity required pledges of support from S.A.G. before it agreed to suspend Miss Tucker. The strategy of the 4-A leaders is to retaliate for the disruption of employment among Equity members by tying up production in film studios where the bulk of the I.A. membership is employed. A strike vote was taken several weeks ago when hostilities started.

Radio will probably remain unaffected as there are few I.A. members employed in that field. Vaudeville in film houses will probably be affected if S.A.G. members attempt to make personal appearances.

Final abandonment of peace efforts by the A. F. of L. mediation subcommittee came Friday when the executive council refused to approve a settlement arranged by Matthew Woll and William Green, president of the A. F. of L. This settlement provided that all assets of the A.F.A. and American Guild of Variety Artists was to be turned over to an equally selected committee of 10, with neither Whitehead nor Maida Reade, A.G.V.A. executive secretary, permitted to be on the committee. The committee was to select an 11th person if unable to agree and the committee was also to have the right to determine whether Whitehead could run for reelection after a 90-day period.

In a statement issued over the weekend, the 4-A bitterly condemned the A. F. of L. for failing to give it a "square deal" in its first appeal to the parent body.

Whitehead, after the decision, declared that the A.F.A. would open an organization campaign. He indicated that the I.A. charter granted to the A.F.A. would continue in force despite the executive council "instructions" to cancel it because the 4-A had refused to abide by the rest of the decision. I.A. sources were also of the opinion that the charter would not be revoked.

'Bill of Rights' Broadcast

NBC-Blue network will carry a special broadcast today from the final session of the National Conference of Christians and Jews at Williamstown, Mass., coincident with the world premiere of the Warner short, "Bill of Rights."

Distributors in Arnold Parley to Rescue Code

(*Continued from page* 1)

nold would attempt to obtain criminal indictments if distributors were to attempt to put the code into effect.

For the record, the distributors' negotiating committee joined Rodgers on Friday in a statement which makes the distributors' position clear, particularly in relation to responsibility for the death of the code. The statement follows:

"The committee that has worked on the code has not lost one single bit of faith in it. They believe thoroughly that it can be of tremendous value to the industry and will tend to solve a great many of the difficulties which have arisen. We still hope to persuade the Government that the code should be put into effect."

Rodgers Greatly Disappointed

Rodgers said he was greatly disappointed by the Government's action but added that he believed the work done on the code during the past 14 months was not entirely wasted, even though the industry is forced by Arnold's pronouncement to forego a code of fair trade practices.

"I know that thousands of small exhibitors throughout the country want this code," Rodgers said. "I also know that those exhibitors are aware that the distributors were and are sincere in attempting to improve industry conditions and relations. Our meetings with them convinced them of our sincerity and also brought them to the realization that distributors, too, have their problems. Those things will count for something."

Industry executives, other than Rodgers and the negotiating committee, maintained their silence on the Arnold action over the weekend, although off-the-record comment was plentiful and, for the most part, colorful.

Calls Action "Ill-Considered"

"It is a shame," said one, "that the ill-considered action of one man, Arnold, can deprive thousands of exhibitors of the relief and trade benefits which this code offered them. And all because he wants to force the industry to accept a consent decree in settlement of a legal action which he is aware he may never obtain in the courts."

Others criticized Arnold for permitting the distributors and exhibitors to continue with their work on the code to the very last in the belief that, although approval of the code could not be expected, the Department likewise would not disapprove it.

Arnold Accepted Early Drafts

In fact, Arnold, himself, defined the Departments' policy in the matter just that way, it was pointed out, and told the distributors that, therefore, they would have to rely on the opinions of their own counsel as to whether or not the code was legal. This the distributors did, and also submitted three different drafts of the code to Arnold as each was completed, beginning last December.

None of these preliminary drafts was pronounced "illegal" by Arnold, and the industry, thus, was permitted to continue its code work for seven more months before being brought to a halt.

Those scheduled to attend today's meeting in Washington include the company attorneys who presented the latest draft of the code to Arnold last Monday. They are J. Robert Rubin, vice-president and general counsel of Loew's; Robert W. Perkins, general counsel for Warners; Austin C. Keough, general counsel for Paramount; Richard E. Dwight, 20th Century-Fox attorney, and John Howley of counsel to the RKO trustee.

Should Arnold's opinion stick, the only conceivable "out" by which the distributors could put the intended concessions into effect would be by contractual clauses. That is the opinion of the lawyers.

Contractual Clause Proposed

That action, of course, would have to be taken by the companies individually. It would cover the essential concessions of the code, such as cancellations, the ban on shorts forcing, provision for preferred playdates and other points which the distributors themselves could govern contractually.

It is also possible that some form of arbitration could be set up, as now provided optionally in licensing contracts.

Core of the Situation

But arbitration of clearance and zoning and overbuying practices which have caused most of the exhibitors' complaints will not be legally possible under Arnold's interpretation because they involve a "third party."

A distributor and an exhibitor could agree on clearance and overbuying, but, lacking arbitration, the third exhibitor affected could refuse assent to the arrangement. Company lawyers feel that this is the core of the situation.

Studio Officials Take Stand in SWG Case

Los Angeles, Aug. 20.—Efforts of producers to influence Screen Writers Guild members from affiliating with the Authors League of America were disclosed today at the N.L.R.B. hearing of charges that the studios violated the Wagner act in the SWG case.

J. K. McGuinness, who helped organize the Screen Playwrights, rival to SWG, made the charge. Other witnesses Friday were Sam Briskin, Pandro S. Berman, B. B. Kahane, Bernard Hyman and William Koenig.

TMAT Calls Strike Against 16 Houses

(*Continued from page* 1)

ager of the Park and the Sun, both in Brooklyn, was discharged for alleged union activity. The union also demands recognition as collective bargaining agency. Houses affected by the walkout are Park, Sunset, Vanity, Coliseum, Berkshire, Fortway, Ritz, Endicott, Hollywood, Howard, Sun and Metro, in Brooklyn, and Boardwalk, Edgemere, Rivoli and New, in the Rockaways, Long Island.

Hearing before the State Labor Relations Board on the petition of T.M.A.T. against the Rugoff & Becker circuit which was scheduled to be resumed today was adjourned to Sept. 6.

Allied Expels N. Y.'s Unit On 3 Counts

(*Continued from page* 1)

ance with the national policies and that the only thing he can be charged with is a desire to bring about peace among industry branches.

Cohen has consistently sought Allied's continuance in negotiations on the trade practice code, which Allied has rejected.

Cohen said that his organization, incorporated as Allied Theatre Owners of New York, Inc., will continue and that its future course will be decided at the next membership meeting of the state organization which he will call shortly.

At the time Col. H. A. Cole, president of Allied, attended a meeting of the New York unit's board here last month he said that the local organization's policy to continue negotiations on the code would be a matter for consideration by the national directors.

Cohen said that he has always favored peaceful settlement of disputes without prejudicing Allied's stand on litigation and legislation. He said that he himself had furnished the Department of Justice with an affidavit of more than 50 pages for use in the New York anti-trust suit.

"I still believe it is possible to solve the industry's problems through self-regulation," Cohen said. "I am still against litigation and legislation unless the other way fails."

Cohen said that meetings his organization held with the distributors' committee were responsible for the inclusion of additional concessions in the latest code draft.

Myers on Cruise

Washington, Aug. 20.—Abram F. Myers, Allied board chairman, is on a cruise and will return to Washington Sept. 11. He will attend the New Jersey unit's convention at Atlantic City, Sept. 6 to 8.

He has suggested that the units distribute copies of a recent national bulletin to members on Allied's position in its controversy with the distributors on the code negotiations.

Wins Bank Night Verdict

Edward Goldstein, owner of the Bank Night franchise for New York and New Jersey, has won a verdict by the Supreme Court of New Jersey, enforcing a Bank Night contract against the Barclay Amusement Corp., owner of the Ramsey at Ramsey, N. J.

Bingo Hearing Set

Milwaukee, Aug. 20.—Hearing on the petition of Charles W. Trampe, head of Film Service, Inc., for an injunction to restrain Bingo in Bahn Frei Hall, has been set for Sept. 11 by Circuit Judge Daniel W. Sullivan.

Release Yiddish Film

Joseph Green, president of Sphinx Films Corp., will release here "A Brivele Der Mamen," Yiddish film starring Misha and Lucy Gehrman. The film will open at the Waldorf the middle of September.

Denver Slow; 'Marshal' Is Hig hat $4,500

DENVER, Aug. 20.—With weather too good for indoor entertainment and the Elitch Theatre with stock doing its second best week of the year, grosses were off. "Frontier Marshal" and "Mr. Moto Takes a Vacation" took $4,500 at the Paramount.

Estimated takings for the week ending Aug. 16:

"Second Fiddle" (20th-Fox)
ALADDIN—(1,400) (25c-35c-40c) 7 days, 2nd week. Gross: $3,500. (Average, $3,500)
"Goodbye, Mr. Chips" (M-G-M)
BROADWAY—(1,100) (25c-40c) 7 days, 2nd week. Gross: $3,500. (Average, $2,500)
"Our Leading Citizen" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: $6,800. (Average, $6,500)
"Each Dawn I Die" (W. B.)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: $9,000. (Average, $9,000)
"Bachelor Mother" (RKO)
"They All Come Out" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $9,000. (Average, $8,500)
"Frontier Marshal" (20th-Fox)
"Mr. Moto Takes a Vacation" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,500. (Average, $3,500)
"Daughters Courageous" (F. N.)
"News Is Made at Night" (20th-Fox)
RIALTO—(878) (25c-40c) 7 days. "Daughters Courageous" 3rd week. Gross: $2,000. (Average, $1,750)

'Dawn' at $13,000 Is Cincinnati Lead

CINCINNATI, Aug. 20.—Despite extremely hot weather and baseball, "Each Dawn I Die" took a strong $13,000 at the RKO Palace, and "Winter Carnival" gave Keith's $6,800.

Estimated takings for the week ending Aug. 16-19:

"Lady of the Tropics" (M-G-M)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $11,700. (Average, $12,000)
"Each Dawn I Die" (W. B.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $13,000. (Average, $10,000)
"Our Leading Citizen" (Para.)
RKO SHUBERT—(2,150) (35c-42c) 6 days. Gross: $2,800. (Average, 7 days, $10,000)
"Bachelor Mother" (RKO)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 3rd week. Gross: $3,900. (Average, $6,500)
"Four Feathers" (U. A.)
RKO LYRIC—(1,400) (25c-40c) 7 days, 2nd week. Gross: $4,000. (Average, $5,000)
"Behind Prison Gates" (Col.) (2 days)
"Chasing Danger" (20th-Fox) (3 days)
"Mr. Moto Takes a Vacation" (20th-Fox) (2 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $1,900. (Average, $2,400)
"Winter Carnival" (U. A.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $6,800. (Average, $6,000)

Fitzgerald to Ad Agency

Edward J. Fitzgerald has joined Erwin, Wasey & Co., Inc., New York advertising agency, as radio director. He previously was director of the bureau of copyrights of the National Association of Broadcasters and formerly assistant general manager of WLW-WSAI, Cincinnati.

Theatre Flooded

Wichita, Kas., Aug. 20.—Out here in dry Kansas they had a heavy downpour the other day, and the T. H. Slothowers spent all night pumping water from the new Sandra Theatre. Four rows of seats were under water.

Theatre, Personnel Notes

Open President Sept. 5

President Theatre, closed legitimate house on West 48th St., will open Sept. 5 as a first run theatre for Spanish language pictures. This will give the city four theatres showing Spanish films. It has been leased by Juan Kunzler and Jose Guerrero, operators of the Hispano and Latino, which also show Spanish pictures. Kunzler is owner of the Claridge Hotel.

Butterfield for Manager

MARIANETTE, Wis., Aug. 20.—Ken Butterfield, formerly manager of the Fox, Strand and Rialto in Marinette, has been named manager of Fox's Myers and Beverly here, succeeding Russell Leddy, who will manage the circuit's Orpheum in Green Bay.

Plan Madison Theatre

MADISON, Wis., Aug. 20.—A permit has been issued for the erection of a new theatre here by the Ashley Theatre Co., at a cost of about $80,000. The house will seat 690. The Ashley circuit is currently operating the Orpheum, Parkway, Strand and Madison here.

Rosenberg Joins Monogram

OMAHA, Aug. 20.—Joseph Rosenberg, RKO salesman, has resigned to join the Monogram exchange here as salesman. He was succeeded at RKO by Ed Stengel, transferred here from RKO's Minneapolis branch.

Rosener to Open House

SEATTLE, Aug. 20.—Herbert Rosener's new theatre, the Metropolitan, will open Sept. 3 with "Three Waltzes," French musical released in America by Vedis Films.

In Omaha Theatre Post

OMAHA, Aug. 20.—Arthur Olsen has been named treasurer of the Omaha Theatre to succeed Arthur Ofe, resigned. Chester Washburn has been promoted to chief of service.

Plans North Carolina House

ROCKINGHAM, N. C., Aug. 20.—H. C. Wall plans a new $25,000 theatre here.

'Bachelor' Scores $6,800 Hit in Omaha

OMAHA, Aug. 20. — "Bachelor Mother," dualed with "Saint in London," drew a smash $6,800 at the Brandeis.

Estimated takings for the week ending Aug. 16-17:

"Bachelor Mother" (RKO)
"Saint in London" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $6,800. (Average, $4,000)
"Goodbye, Mr. Chips" (M-G-M)
"Hotel Imperial" (Para.)
OMAHA—(2,200) (25c-40c) 7 days, 2nd week. Gross: $5,600. (Average, $6,000)
"Our Leading Citizen" (Para.)
"Lady From Kentucky" (Para.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $7,500. (Average, $7,600)

'Holmes' Returning

"The Adventures of Sherlock Holmes" will return to the air Oct. 4, and continue weekly thereafter over WOR from 8:30 to 9 P. M. each Wednesday. Basil Rathbone will play the famous detective and Nigel Bruce will be cast as Dr. Watson. Grove Laboratories sponsor. The series will originate in Hollywood.

Harmanus Bleecker Closed

ALBANY, Aug. 17. — Fabian has closed Harmanus Bleecker Hall, according to Louis R. Golding, Fabian Theatres upstate manager. The house may later be altered and renovated.

Scotia, Neb., House Sold

OMAHA, Aug. 20.—J. V. Maddox, owner of the Loup Theatre at Scotia, Neb., has sold the house to R. W. Dailey, also of Scotia.

Manages New Mexico House

RISING STAR, Tex., Aug. 20.—Frank Cross is now manager in Lovington, N. M. H. H. Johnson, once with RKO at Pecos, is the new head here for the Liberty circuit, owned by E. E. Lutz.

Detroit House to Reopen

DETROIT, Aug. 20.—The United Artists, closed for the Summer will reopen Aug. 24 with "The Wizard of Oz."

Dispute on Marquee Going Before Court

ROCKINGHAM, N. C., Aug. 20.—The case involving the arrest of three men in a dispute over the rightful ownership of a marquee on the Little Theatre building here comes before the special court Aug. 29.

H. C. Wall, whose lease expired Aug. 15, claims he built the marquee to the entrance of the building which he had leased from J. D. Cameron. Wall sent workmen to tear the marquee down. Cameron swore a warrant for their arrest for unlawfully injuring private property.

Joffee Reopens K.C. Tower Next Friday

KANSAS CITY, Aug. 20.—Closed since late Spring, when Fox Midwest found the cost of big stage shows outweighed the gross, the Tower theatre, downtown house, will reopen Friday under the management of Barney Joffee. The house will offer a combination of stage shows and first run pictures on a straight 25-cent policy.

Joffee and Bill Reinke operated the theatre successfully under this sort of policy from 1934 until, two years ago, they sold out to Fox Midwest Theatres, Inc. Bill Simpson, assistant manager of the Fox Esquire, Fox Midwest's first run next door to the Tower, will become Tower manager. Frank Tracy is production manager.

Kills Suit Over Long

Federal Judge Knox Friday dismissed, for failure to prosecute, a suit against Warner Bros. and Vitagraph Corp. by Robbins Music Corp. Complaint claimed the unauthorized use of the plaintiff's song, "Stairways," in a short, "Vincent Lopez and His Orchestra."

Wis. Operators Elect

WAUSAU, Wis., Aug. 20.—The Wisconsin State Association of Stage Employes and Projectionists, reelected all officers as follows: John Kunstman, Sheboygan, president; Ralph Percifield, Beaver Dam, vice-president; Steven J. Thomas, Racine, secretary, and Stanley Przlomski, Kenosha, treasurer.

'Mother' Gets $7,300, Beats Seattle's Heat

SEATTLE, Aug. 20.—Hot weather and night baseball continued to take toll of local grosses. "Bachelor Mother" and "On Borrowed Time" drew $7,[illegible] at the Fifth Avenue, and "When Tomorrow Comes" and "Charlie Chan in Reno" took $6,300 at the Paramount.

Estimated takings for the week ending Aug. 18:

"The Man in the Iron Mask" (U. A.)
"Fixer Dugan" (RKO)
BLUE MOUSE—(950) (25c-30c-40c-55c) 7 days, 2nd week. Gross: $3,100. (Average, $4,000)
"Bachelor Mother" (RKO)
"On Borrowed Time" (M-G-M)
FIFTH AVENUE—(2,500) (25c-30c-40c-55c) 7 days. Gross: $7,300. (Average, $7,000)
"Coast Guard" (Col.)
"Missing Daughters" (Col.)
LIBERTY — (1,800) (25c-30c-40c-55c) 7 days. Gross: $3,900. (Average, $5,000)
"Goodbye, Mr. Chips" (M-G-M)
MUSIC BOX—(950) (25c-30c-40c-55c) 7 days, 7th week. Gross: $3,300.
"Each Dawn I Die" (W. B.)
"Boy Friend" (20th-Fox)
ORPHEUM—(2,450) (25c-30c-40c) 7 days, 2nd week. Jay Clarke, mentalist, on stage. Gross: $5,000. (Average, $6,000)
"The Zero Hour" (Repub.)
"Arizona Legion" (RKO)
PALOMAR—(1,500) (25c-30c-40c) 7 days. Great Gilbert on stage. Gross: $4,700. (Average, $5,000)
"When Tomorrow Comes" (Univ.)
"Charlie Chan in Reno" (20th-Fox)
PARAMOUNT — (3,050) (25c-30c-40c) 7 days. Gross: $6,300. (Average, $6,000)

Auten Seeks Quiz Of Natans in Suit

Application was filed on Friday in the New York Supreme Court by Harold Auten for an order directing Bernard Natan, president; Emil Natan, vice-president, and Marcel Hellman, sales representative of Societe Pathe Cinema, to appear for examination before trial.

Auten is defendant in a suit for $350,000 brought by the receivers of Societe Pathe Cinema on a contract under which Auten was American distributor for the company. Auten has counterclaimed for $17,500 commissions allegedly due him. Application will be heard on Aug. 29.

'Livingstone' Smash In Detroit, $20,000

DETROIT, Aug. 20.—The Fox set the pace, grossing $20,000 with "Stanley and Livingstone" and "The Jones Family in Hollywood." The Michigan took $15,000 with "The Man in the Iron Mask" and "Naughty But Nice."

Estimated takings for the week ending Aug. 17:

"Hotel for Women" (20th-Fox)
"Frontier Marshal" (20th-Fox)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $4,800. (Average, $5,000)
"Stanley and Livingstone" (20th-Fox)
"The Jones Family in Hollywood" (20th-Fox)
FOX—(5,000) (20c-55c) 7 days. Gross: $20,000. (Average, $12,000)
"The Man in the Iron Mask" (U. A.)
"Naughty But Nice" (W. B.)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: $15,000. (Average, $10,000)
"Winter Carnival" (U. A.)
"They All Come Out" (M-G-M)
PALMS—(3,000) (15c-50c) 7 days. Gross: $5,100. (Average, $5,000)

'Stanley' Big Hub Winner With $18,000

BOSTON, Aug. 20. — "Stanley and Livingstone" hit the top spot for a single theatre, taking $18,000 at the Keith Memorial. "Four Feathers," dualing with "A Woman Is the Judge" at Loew's Orpheum and State, drew $30,300, or $17,300 and $13,000, respectively.

Estimated takings for the week ending Aug. 16:

"Juarez" (W. B.) (3rd run) (4 days)
"Mickey the Kid" (Rep.) (1st run) (4 days)
"You Can't Get Away With Murder" (W. B.) (2nd run) (3 days)
"Parents on Trial" (Col.) (2nd run) (3 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross: $4,500. (Average, $7,000)
"Stanley and Livingstone" (20th-Fox)
"The Jones Family in Hollywood" (20th-Fox)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: $18,000. (Average, $14,000)
"Each Dawn I Die" (W. B.) (2nd run)
"Cowboy Quarterback" (W. B.) (1st run)
PARAMOUNT — (1,797) (25c-35c-40c-55c) 7 days. Gross: $6,300. (Average, $7,000)
"Each Dawn I Die" (W. B.) (2nd run)
"Cowboy Quarterback" (W. B.) (1st run)
FENWAY — (1,382) (25c-35c-40c-55c) 7 days. Gross: $4,200. (Average, $4,500)
"Hotel for Women" (20th-Fox)
"Mr. Moto Takes a Vacation" (20th-Fox)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days. Gross: $12,000. (Average, $14,000)
"Four Feathers" (U. A.)
"A Woman is the Judge" (Col.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: $17,300. (Average, $14,000)
"Four Feathers" (U. A.)
"A Woman is the Judge" (Col.)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: $13,000. (Average, $10,000)
"Hell's Kitchen" (W. B.)
"Indianapolis Speedway" (W. B.)
SCOLLAY — (2,500) (25c-35c-40c-50c) 7 days, 2nd run. Gross: $4,200. (Average, $4,000)

FitzPatrick Signs For Sixth Season

James A. FitzPatrick this Fall begins his sixth year as "Traveltalk" producer for M-G-M release. He has just renewed his contract for 1939-'40 calling for the release of 12 one-reelers. The new season will mark a change of policy inasmuch as the shorts will deal only with North and South America with no European themes included.

Burger in Frisco

SAN FRANCISCO, Aug. 20.—Alfred Burger, wealthy New York realtor and part owner of the new Telenews Theatre, scheduled to open here next month, has arrived from the east with Mrs. Burger to supervise final details in construction of the newsreel house, located downtown.

To Sponsor Opening

The New York League of Women Shoppers will sponsor the premiere of "Harvest," French film, tentatively set for the World Theatre on Sept. 13, subject to the lifting of the film's ban by the State Censor Board.

Command Performance

Joe E. Brown has been added to the Hollywood contingent invited to London for the "command performance" sponsored by King George VI and Queen Elizabeth for the annual cinematograph Trade Benevolent Fund Oct. 18.

SHORT SUBJECT REVIEWS

"The Bill of Rights"

(*Warner*)

The American colonists' struggle to wrest a bill of rights from the British Crown and the subsequent incorporation of a guarantee of civil liberties in the Constitution is dramatically pictured in "The Bill of Rights," latest in the series of Warner patriotic shorts in color.

The film shows that the Crown's refusal to consider "the colonials" as equals under British law was a direct result of the Revolution. It ends with a stirring plea, spoken by James Madison, to hold on to the hard-won heritage of liberty.

The scene is Williamsburg, and the locale has been authentically recreated.

The shaping of the Bill of Rights and the fight to include it in the Constitution are traced briefly.

The cast includes Ted Osborne, Moroni Olson, Leonard Mudie, Vernon Stele, John Hamilton, Raymond Brown and Tom Chatterton. Crane Wilbur was the director. Running time, 20 mins.

"Breaking the News"

(*Paramount*)

Shots of various events at Madison Square Garden are included in a unique presentation marked by originality. Ted Husing handles the narration, which is informative and well constructed. Running time, 10 mins.

"It's the Natural Thing To Do"

(*Paramount*)

Max Fleischer's popular animated characters, Popeye, Olive Oyl and Bluto, in response to a request from a "fan club," try to be dignified. They soon grow weary and resort to their favorite pastime, slugging one another. Running time, 7 mins.

"Sweet Moments"

(*Paramount*)

Russ Morgan and his orchestra are featured in this "Headliner" subject. Four songs, composed especially for the short, are handled in the accustomed Morgan manner. Photographic and lighting effects are above par. Running time, 11 mins.

"Hydro-Maniacs"

(*Paramount*)

Speed and thrill have been the essence of the Grantland Rice Sportlight shorts. This is no exception. It's a typical Rice offering, covering a speed boat race. A few amusing interruptions add zest to the reel. Running time, 10 mins.

"Artie Shaw's Class in Swing"

(*Paramount*)

Artie Shaw concentrates on the art of conducting a swing band with each section illustrating its task. Without pretentious setting, the subject shows just what constitutes a swing band and how a conservative song is converted into a jitterbug's delight. Good entertainment. Time, 10 mins.

"Swing Styles"

(*Warners*)

The Adrian Rollini trio, the Frazee sisters, and Charles Troy and Zoe Lynn are featured in a melange of music, singing and dancing. There is playing on various instruments, and it's all very tuneful and well done. Running time, 10 mins.

"Mechanix Illustrated No. 1"

(*Warners*)

This is the first of the new season's series and it holds fascination for those who are curious about the secrets of the craftsman. There are four interesting items: the art of jewel polishing, the manufacture of fine English chinaware, various uses of polarized light in its application to glass and the making of a large outdoor billboard from a miniature sketch. These shorts deserve wide popularity. Running time, 10 mins.

"Remember When"

(*Warners*)

Ace favorites of vaudeville do their stuff with the old finesse, and there's a minstrel show to hold the sequence of turns together. Done in a Gay Nineties setting, the whole has the right flavor, and there's Rags Ragland, the Eton Boys, the Three Wiles, Joe Sodja and others, including a harmony octet, all making for a lot of fun. Running time, 20 mins.

"Vote Trouble"

(*Warners*)

This is Grouch Club short but there's nothing grouchy about it except the series title. The chairman of the Club reads a letter from a Ronald Girtsch who tells of his troubles. Friends run him for alderman and the subsequent events brand him as a wife beater and a brute. All he wants is to return to his plumbing business. On the night of the election it appears that he will get his wish, but he wins and becomes a hero. Running time, 10 mins.

"Detouring America"

(*Warners*)

Leonard Schlesinger has turned out a gem of a "Merrie Melody" cartoon, continuing the idea of burlesquing the familiar type of travel shorts. The humor is well sustained and there are hilarious situations as the commentator, in serious tone, takes the audience on a scenic "tour" of the country. It's grand spoofing. Running time, 7 mins.

"Slapsie Maxie's"

(*Warners*)

Slapsie Maxie Rosenbloom, slaphappy ex-pug, is revealed in the role of night club impresario in Hollywood. Johnnie (Scat) Davis plays the part of a waiter with nimble legs. When he accidentally knocks out the champ, whom he idolizes, Maxie gets the idea that Davis could be taught the manly art. Davis is an unwilling pupil, but enters the ring and wins the crown from the champ in one of the most hilarious fights imaginable. 10 mins.

FCC Hearing Schedule Is Announced

WASHINGTON, Aug. 20.—The Federal Communications Commission has set dates tentatively for hearings on broadcasting applications, as follows:

Sept. 21: Applications of Spartanburg Advertising Co. for a new 1,370-kilocycle station at Spartanburg, S. C., with 100 watts night, 250 watts day; Brown County Broadcasting Co. for a new 990-kilocycle, 1,000-watt daytime station at Brownwood, Tex, and KRRV, Sherman, Tex., for change of frequency from 1,310 to 880 kilocycles, extension of time from day to unlimited and increase of power from 250 to 1,000 watts.

Oct. 9: Applications of the Mayflower Broadcasting Corp. for a new 1,410-kilocycle station at Boston, with 500 watts night, 1,000 watts day, requesting the facilities of WAAB, Boston, and Harold Thomas for a new 1,310-kilocycle station at Bridgeport, Conn., with 100 watts night, 250 watts day.

Oct. 11: Application of WNBX, Springfield, Vt., for authority to move studio and transmitter to Keen, N. H.

Oct. 13: Application of Hazelwood, Inc., for a new 1,390-kilocycle, 1,000-watt station at Orlando, Fla.

Oct. 27: Application of Radio Voice of Springfield, Inc., for a new 1,310-kilocycle, 100-watt statio at Springfield, O.

Nov. 7: Application of KFNF, Shenandoah, Ia., to move studio to Council Bluffs and transmitter to Manawa Lake, Ia., and increase power from 500 watts night, 1,000 watts day to 1,000 watts night, 5,000 watts day.

New Season's Films Praised by Walker

SCRANTON, Pa., Aug. 20.—Hollywood's latest releases have won the praise of Frank C. Walker, president of Comerford Theatres, Inc.

In a letter to the managers of the 140 theatres comprising the Comerford circuit, Walker wrote:

"The reviewing committee of the home office has just finished previewing a number of motion pictures which have recently been completed in the studios. These pictures are to be shown in your theatres at an early date.

"It is the consensus of opinion of the board that Hollywood has again demonstrated its ability to improve its standards each year. We are all most enthusiastic about the fine productions that are coming to us."

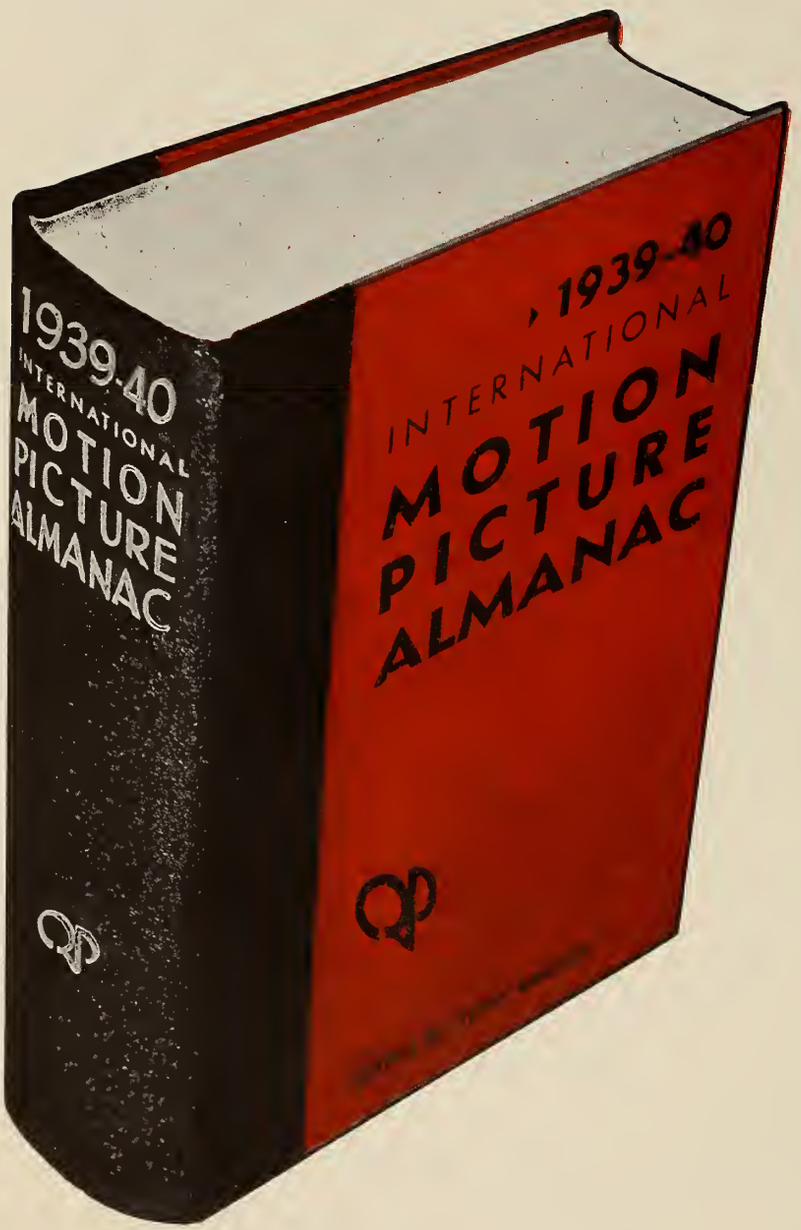
Bigger Films for Sisk

Robert Sisk, producer for RKO, will be assigned to the company's more important films and special features, George J. Schaefer, president, announced yesterday. The change was announced yesterday. The change will be made after Sisk finishes a group of pictures now in production.

KDYL Program Head

SALT LAKE CITY, Aug. 20.—S. S. Fox, president and general manager of KDYL, has named Myron Fox program director and assigned George Snell, former program head, as continuity director.

OUT



Edited by
TERRY RAMSAYE

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VOL. 46. NO. 36 NEW YORK, TUESDAY, AUGUST 22, 1939 TEN CENTS

New Product Boosts B'way Despite Heat

Neither Sun Nor Rain Affecting Box Office

Neither the terrific rainstorm which drenched the city Saturday night nor the terrific heat which seared the town before and after the rain, could stop the flow of trade to the picture houses on Broadway this past weekend. Business was great everywhere. The weather which blistered the town was no competition for the new product now showing on the Main Stem, including "When Tomorrow Comes," "Wizard of Oz," "In Name Only," "Stanley and Livingstone," "Beau Geste," and "The Old Maid."

The box-office overflow extended through yesterday when the mercury rose to a record high of 85-90.

Fair Influx Helps

New York is full of out-of-town people here to see the city and the "World's Fair," and these undoubtedly helped to swell the business which is reminiscent of old-time mid-August grosses.

"When Tomorrow Comes" is taking the Rivoli to $36,000 which is a new high gross for the house, this year.

The Strand, playing "The Old Maid," is having the best second week in a long period. Yesterday's estimate was $5,000 for the day, very big for the house on a Monday, and the weekend gross, Friday to Sunday inclusive, totaled $27,800.

At the Capitol the attendance was reported to be greater than it was last Thursday, when Mickey Rooney, Judy

(*Continued on page* 10)

Urges 'A' Films Only in Argentina

American distributors must eliminate the "B" or at least the "C" product from the Argentine market and export only their big pictures if they want to hold that territory and particularly the second run theatres, in the opinion of Clemente Lococo, Buenos Aires circuit operator.

Lococo has expressed his opinion to the foreign departments here and the producers in Hollywood. He says that exhibitors are increasingly demanding quality and are no longer content with secondary product.

Argentine films constitute real competition to Hollywood pictures, Lo-

(*Continued on page* 10)

Warners Combine Selling in England

H. M. Warner, president of Warner Brothers, notified the home office by cable yesterday that effective immediately the Warner and First National selling organizations in England will be joined, with Max Milder in charge of all English distribution.

Up to this time, the company operated as two separate distributing organizations, Warner Brothers Pictures, Ltd., of which Milder was managing director, and First National Film Distributors, Ltd., with D. E. Griffiths as managing director, selling Warner and First National product separately.

Tax Revenue Up $42,989 for July

WASHINGTON, Aug. 21.—Federal admission tax collections in July showed a substantial increase over the preceding month but were markedly below the receipts of July, 1938, it was reported today by the Internal Revenue Bureau.

Collections for the month were reported by the bureau as $1,534,249, compared with $1,491,260 in June and $1,618,813 in July of last year, bringing the total for the first seven months of the year to $10,690,477, which was

(*Continued on page* 10)

Four A's Appoints Steering Committee In Jurisdiction Tilt

"Preparing to meet any eventuality that might arise," the international board of Associated Actors and Artistes of America yesterday appointed a "steering committee" with full powers to act in emergency situations. The board also called upon all member unions to appoint similar committees with full powers so that action may be taken on short notice.

Seeking to avoid precipitate or disorganized action by the branches, the board instructed them that no action bearing on the jurisdictional fight with the I.A.T.S.E. and the American Federation of Actors could be taken without the approval of the steering committee. However, this will not interfere with the pending trials of Sophie Tucker, A.F.A. president, and Harry Richman, vice-president.

Guilty Verdict Expected

Miss Tucker is not expected to appear to answer the charges against her when the Equity council meets today. The council is expected to find her guilty and suspend her indefinitely. It is not likely that she will be expelled, union sources indicated.

From members of the 4-A board came reports that William Green, A.F. of L. president, and Matthew Woll, chairman of the mediation committee, were still continuing their efforts to induce George E. Browne, I.A.

(*Continued on page* 10)

Lawyers Still Studying U.S. Code Rebuff

No Change in Belief Pact Now "Dead Issue"

Film attorneys yesterday continued their study of the situation resulting from Assistant Attorney General Thurman Arnold's statement last week that the proposed industry trade practice code is "illegal" and its adoption would lead to "continued and perhaps additional prosecution."

No formal statement was issued following a meeting of company attorneys at M.P.P.D.A. headquarters yesterday afternoon but individual comment revealed no change in the attitude of the attorneys as expressed last week when they held that the Arnold stand made the code "a dead issue."

Not Risking Indictments

Likewise, there was no change of views at individual home offices over the weekend, distribution officials holding that while the "sabotage of the code by the Government" is regrettable, company executives cannot risk the chance of criminal indictments by adopting the code now.

Spokesmen for several companies stated that their organizations would

(*Continued on page* 2)

Compromise Is Expected In Ascap Fight With NAB

As long as music is used by radio, just so long will Ascap and the National Association of Broadcasters need each other, a ranking Ascap official stated yesterday.

It was his way of saying that the current differences over renewal of N.A.B.'s contract with Ascap will be compromised and cleared away before Jan. 1, 1941, when the contract will expire.

"They need our music and Ascap needs their money," the official said. "There has to be a compromise."

Recognizing this, Ascap will adopt a public policy calculated not to further aggravate the existing situation between the two organizations, the official said. All qualified Ascap spokesmen will restrain their public utterances on the subject and will do nothing to defer or make more difficult the ultimate peace between Ascap and N.A.B., it was said.

The broadcasters' dissatisfaction over Ascap's present terms and the refusal of the society thus far to indicate what its renewal terms will be, led the N.A.B. recently to lay plans for building up its own music library. It proposes to further these plans at a meeting in Chicago next month.

The situation is reminiscent of the theatre owners' revolt against Ascap taxation in 1921, when the M. P. Exhibitors' League, predecessor of the present M.P.T.O.A., raised $50,000 with which it formed its own music bureau with Henry Watterson of Watterson, Berlin & Snyder, music publishing firm, at its head.

Subsequently, $25,000 additional was raised and the exhibitors' Tax Free

(*Continued on page* 13)

IA Officials Fined In Coast Dispute

LOS ANGELES, Aug. 21.—Three I.A. T.S.E. officials who were convicted late last week of contempt of court in splitting up Studio Technicians Local 37 into five groups were fined here today by Superior Judge Henry Willis.

Zeal Fairbanks was ordered to pay $150 fine; Steve B. Newman, International officer in charge of the Hollywood office, $100 fine, and Boyd Young, $50.

Screen Writers Guild case involving Wagner Act violation charges against eight major producers was postponed until tomorrow to permit producers' attorneys to attend the N.L.R.B. hearing on the jurisdictional dispute involving the I.A. and the United Studio Technicians Guild. Both sides in the latter dispute are attempting to get together on several points.

Coast Active With 38 Films Now Shooting

HOLLYWOOD, Aug. 21.—Productions before the cameras this week increased to 38, as eight finished and 11 started. Twenty-five are being prepared, and 82 are being edited.

Started were: "The Man Trailer," "Scandal Sheet," Columbia; "Knights of the Range," "Emergency Squad," Paramount; "Marshal of Mesa City," "Sued for Libel," RKO; "Headline News," "Missouri Raiders," Republic; "Of Mice and Men," Roach; "The Simple Life," 20th Century-Fox; "State Cop," Warners.

In addition to these, shooting were: "Beware of Spooks," Columbia; "Another Thin Man," "Balalaika," "Remember," "Fast and Furious," "Northwest Passage," M-G-M; "Murder in the Big House," Monogram; "Dr. Cyclops," "Untamed," "Typhoon," "Victor Herbert," "Diamonds are Dangerous," "Remember the Night," Paramount; "Hunchback of Notre Dame," "Allegheny Frontier," "Vigil in the Night," "Abe Lincoln in Illinois," RKO; "Drums Along the Mohawk," "High School," "Too Busy to Work," 20th Century-Fox; "First Love," "Rio," "Listen, Kids," "Tower of London," Universal; "The Roaring Twenties," "We Are Not Alone," "Four Wives," Warners.

Finished were: "Sundown in Helldorado," Columbia; "Federal Offense," Paramount; "Three Sons," RKO; "Calling All Marines," Republic; "Call a Messenger," Universal; "20,000 Years in Sing Sing," "Lady Dick," "Philo Vance Returns," Warners.

Warners started one short subject and finished another. M-G-M finished two, and RKO one. Seven are being prepared, and 14 are being edited.

Warner Production Ahead, Einfeld Says

Production at the Warner studio is farther ahead for 1939-'40 than it has ever been at this time of the year, declared S. Charles Einfeld, advertising and publicity director, who arrived yesterday for a stay of two weeks.

Einfeld disclosed that the studio has 17 completed features awaiting release and three in the cutting room.

He came east to complete campaigns on new season releases, including "The Private Lives of Elizabeth and Essex," "On Your Toes," "Dust Be My Destiny" and "A Child Is Born."

New Film Festival Planned in London

LONDON, Aug. 21.—Plans to provide Europe with yet a third international Film Festival are being prepared by the British Film Institute, which suggests England as the location. The intention is to garner outstanding pictures from all over the world and show them in London at an annual festival.

An experimental drive has been launched in Glasgow with the collaboration of the British Film Institute, which is holding an international show of documentaries and shorts this Sumber.

Purely Personal

GEORGE J. SCHAEFER, RKO president, has been detained in Hollywood a second time and now is expected back in New York at the end of this week. S. BARRET MCCORMICK, advertising and publicity director, also is remaining in Hollywood a few additional days.

•

SPYROS SKOURAS is expected back in New York on Thursday from a series of circuit meetings in various parts of the country.

•

W. F. HAYNER, Canadian district manager for M-G-M, has been removed from the hospital to his home in Toronto, following a recent collapse.

•

TONY MARTIN and ALICE FAYE, who has completed her role in "Hollywood Cavalcade" at 20th Century-Fox, have arrived in New York for a short vacation.

•

WILLIAM HOLDEN, playing the title role in Columbia's "Golden Boy," will arrive in New York this morning, and will be met at Grand Central by the former aspirants for the role won by HOLDEN.

•

WILLIAM A. SCULLY, EDWARD SAUNDER, E. V. RICHARDS, LEON NETTER lunching at Nick's Hunting Room at the Astor yesterday. Also MORRIS KINZLER, CHARLES E. MCCARTHY, HARRY KALMINE, SAM SHAIN, RUSSELL HOLMAN, MAX A. COHEN, E. K. O'SHEA, MONTY GOWTHORPE.

•

SAM ZIMBALIST will return to the M-G-M studio tomorrow after 10 days in New York.

•

LAUREL and HARDY are planning a series of personal appearances in South America, following completion of "The Flying Deuces."

•

RUTH GORDON will leave New York tomorrow for the RKO studio, where she will appear with RAYMOND MASSEY in "Abe Lincoln in Illinois." She will return to the Broadway stage after completion of the screen role.

•

LENORE ULRIC made her debut in Shaw's "Pygmalion" last night at the Starlight Theatre, Pawling, N. Y. JOHN BARCLAY is cast opposite her.

•

SAM SHAIN returned to New York yesterday from Saratoga.

•

EDGAR G. ULMER has completed shooting on "The Light Ahead," Yiddish film, for Carmel Productions, Inc.

•

MRS. HARRY M. POPKIN, wife of the head of Million Dollar Productions, is visiting here from Los Angeles.

•

DAVID PEROTKA of Baltimore is in town.

WILLIAM F. RODGERS, general sales manager of M-G-M, plans to return here Thursday from Chicago. EDWARD AARON, his assistant, joins him there today.

•

M. L. SIMONS, editor of the *Distributor*, M-G-M publication, leaves Thursday for Pittsburgh and Cleveland to prepare a series of special articles.

•

JAMES MCFARLAND, formerly with Baird Television, is in Scranton with SIDNEY DAVIDSON, working on the Thursday opening there of Universal's "The Underpup."

•

MARLENE DIETRICH arrived on the *Queen Mary* yesterday, en route to Hollywood to appear with JAMES STEWART in Universal's "Destry Rides Again."

•

ROBERT CLARK, Paramount ad sales manager in Pittsburgh, and his wife are visiting his parents, "DUKE" CLARK, Cleveland Paramount branch manager, and MRS. CLARK, in Cleveland.

•

HARRY KALMINE, Warner Theatres district manager in Pittsburgh, is in town.

•

MAUREEN O'SULLIVAN is due in New York today from the coast, en route to London to appear opposite ROBERT MONTGOMERY in the M-G-M British film, "Busman's Holiday." MISS O'SULLIVAN, with her sister, SHEILA, will sail tomorrow on the *Queen Mary*.

•

DORIS VALENTE, secretary to RAY GALLO of *Better Theatres* is vacationing at Windham, N. Y.

•

MADELINE M. ROBARGE, secretary to EDWARD M. FAY of Providence, is back after a vacation in Vermont.

•

ANTONIO A. ROMANO, general manager of Associated Theatres, Providence, is ill at his home.

•

SHIRLEY ROSS has been booked as one of the guest artists on the special radio program of the *Toronto Daily Star* on Wednesday.

•

HARRY M. BESSEY, Altec secretary and treasurer, has returned to New York from a trip through New England.

•

VERA ZORINA, with work completed in Warners' "On Your Toes," is due in New York Thursday to join her husband, GEORGE BALANCHINE, in a European vacation.

•

ALEXANDER OLSHANETSKY, Jewish composer, has been signed to write the score for Elite Pictures' musical, "The Vilner Cantor."

•

DOROTHY STEINMAN, IRVING CAESAR'S assistant, observes her birthday today.

New Haven Union Elects

NEW HAVEN, Aug. 21.—Newly elected officers of Local B-41 of exchange employes union, installed at a meeting at the Hotel Garde, are: Jack Mullen, president; Katherine Fitzgerald, business agent; Jerry Massimino, vice-president; James Mahan, secretary; William Nutile, treasurer.

Films at English Fair

LONDON, Aug. 21.—Theatre to seat 1,000 will be one of the shows at Radiolympia, annual British trade exhibition of radio and television apparatus. The theatre will not be used for the customary stage show, but will screen technical and commercial films.

Lawyers Still Studying U.S. Code Rebuff

(*Continued from page* 1)

not think of adopting the code unless and until Arnold's declaration is reversed.

Arnold's absence from Washington prevented holding of the meeting which had been sought by industry attorneys for yesterday in an effort to convince the Assistant Attorney General that exhibitors of the country wanted and needed the code and that it could be effectuated legally. Instead, the company attorneys conferred among themselves and, it is assumed, will endeavor to arrange a later meeting with Arnold for the same purpose.

Hays Hurries Back

Will H. Hays, M.P.P.D.A. president, returned to his office from Hollywood yesterday, about two weeks earlier than he had planned originally. He had no statement to make on his arrival, his office reported.

The possibility of industry leaders taking an appeal to Attorney General Frank Murphy or to President Roosevelt, in the event Arnold refuses to alter his stand on the code, is still being entertained in some industry quarters. Most officials, however, are of the opinion that the chances of reviving the code hinge entirely on a change of front by Arnold and, about this, few are hopeful.

G. N. in Spanish Deal

Julio Elias, distributor of Barcelona, yesterday signed a deal with E. W. Hammons, president of Educational-Grand National, for the distribution of the companies' product in Spain. The contract also calls for him to produce one or more films in Barcelona for release under the Grand National trademark. Elias has been the Educational distributor in Spain.

Preview 'Star Maker'

Paramount played host last night to the press at a preview of "The Star Maker," starring Bing Crosby, at the Paramount, preceded by a dinner at the International Casino.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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A SPECIFIC *Statement*

Concerning the Policy of WARNER BROS. STUDIO

by JACK L. WARNER
In Charge of Production

At this time, the conclusion of the current season, I feel it is an obligation to our exhibitors to put forward a fair and frank statement for the purpose of mutual understanding.

In response to the many letters of praise we have received throughout the year I say—don't thank us, thank *you.* Thank *you* for the faith you placed in our plans; thank *you* for the splendid manner in which you merchandised our product to the public;

thank *you* for your congratulatory expressions which have served continually as an inspiration to us. It is because of the results obtained through *you* that it was possible to continue to move forward as we have and to build our superlative production organization — acknowledged everywhere as the most successful now operating.

The surest indication of what we can offer the progressive exhibitors of this industry for next season is our record for the season now passing. I am gratified that during a period when the effects of a nation-wide boxoffice slump was generally felt, the product of our studios *continuously* and *regularly* offered the major profit — when profit was needed most! For the fair method of distributing these pictures, for defying the usual warm-weather bugaboos and other threadbare distribution practices, credit must go to the foresight of our General Sales Manager, Grad Sears.

The list of our 1938-39 pictures speaks for itself. For their devoted efforts in making them possible I want to publicly acknowledge my gratitude to Hal B. Wallis, Executive Producer of Warner Bros. Studios, and to our associate producers.

FOUR DAUGHTERS • THE SISTERS • VALLEY OF THE GIANTS • BROTHER RAT • ANGELS WITH DIRTY FACES • DAWN PATROL • DEVIL'S ISLAND THEY MADE ME A CRIMINAL • WINGS OF THE NAVY • YES, MY DARLING DAUGHTER • OKLAHOMA KID • DARK VICTORY • CONFESSIONS OF A NAZI SPY • DODGE CITY • JUAREZ • HELL'S KITCHEN • THE ANGELS WASH THEIR FACES • DAUGHTERS COURAGEOUS • EACH DAWN I DIE

Now that our company has determined for the new season to

spend the largest sum of money ever ear-marked for film production it means this to *you:* It means that the star and the story values of *this* season's successes will be even greater *next* season: it means that our steadfast policy, developed after thirty odd years' experience, of giving each picture individual treatment and *not "assembly line" delivery* assures to you uninterrupted output such as neither we nor any others have previously provided. We have the courage to do this only because *we,* as proved to everybody's satisfaction through the past seasons, *know how to do this!*

We can therefore promise the exhibitors who have so staunchly supported this company that they can look forward with confidence to a continued successful relationship with Warner Bros. As an indication of our unprecedented plans I list the following properties — many already completed, the others actually in preparation:

THE OLD MAID
(Bette Davis, Miriam Hopkins, George Brent, Donald Crisp)

ON YOUR TOES
(Zorina, Eddie Albert, Alan Hale, Frank McHugh, James Gleason. From the Rodgers and Hart stage hit)

PRIVATE LIVES OF ELIZABETH AND ESSEX
(Bette Davis, Errol Flynn, Olivia de Havilland, Donald Crisp, Alan Hale, Vincent Price. In Technicolor.)

THE ROARING TWENTIES
(James Cagney, Priscilla Lane, Humphrey Bogart, Gladys George, Jeffrey Lynn. Story by Mark Hellinger)

THE SEA HAWK
(Errol Flynn, Olivia de Havilland, Alan Hale)

ESPIONAGE AGENT
(Joel McCrea, Brenda Marshall, Jeffrey Lynn, George Bancroft)

DUST BE MY DESTINY
(John Garfield, Priscilla Lane, Alan Hale)

THE FIGHTING 69TH
(James Cagney, Pat O'Brien, George Brent, Wayne Morris)

A CHILD IS BORN
(Geraldine Fitzgerald, Jeffrey Lynn, Gladys George, Gale Page, Spring Byington)

THE CITY OF LOST MEN
(John Garfield, Ann Sheridan, Pat O'Brien, Burgess Meredith)

THE SPIRIT OF KNUTE ROCKNE
(With one of the biggest casts of all time, headed for the outstanding success in the history of Warner Bros.)

THE STORY OF DR. EHRLICH
(Edward G. Robinson)

THE 'DEAD END' KIDS AT MILITARY SCHOOL

AND IT ALL CAME TRUE
(James Stewart, Ann Sheridan, Humphrey Bogart)

BROTHER RAT AND A BABY
(By the authors of the sensational stage show. Eddie Albert, and the same great 'Brother Rat' cast.)

DEVOTION
(The lives of the immortal Bronte Sisters Written especially for the screen by James G. (Mr. Chips) Hilton. Bette Davis, Miriam Hopkins, Geraldine Fitzgerald)

GANTRY THE GREAT
(Starring the famous blind horse. This will be one of the most unique and most gripping dramas of Warner Bros'. entire career.)

THE STORY OF CAPTAIN HORATIO HORNBLOWER
(Based on the great novel! Starring Errol Flynn and Geraldine Fitzgerald)

TWO SONS
(Starring John Garfield, Jeffrey Lynn, Priscilla Lane)

INVISIBLE STRIPES
(By Warden Lawes. To star George Raft, Humphrey Bogart)

THE PATENT LEATHER KID
(George Raft, Priscilla Lane)

FOUR WIVES
(With "The Four Daughters", Claude Rains, Jeffrey Lynn, May Robson, Dick Foran, Frank McHugh)

NEVADA
(Epic Technicolor follow up to 'Dodge City. Starring Errol Flynn and Olivia de Havilland)

DANGEROUS CURVES
(Ann Sheridan will display all the 'oomph' in the world in her first important starring vehicle!)

MARRIED, PRETTY AND POOR
(Ann Sheridan teamed with George Raft!)

BROTHER ORCHID
(From the great Collier's Story. Starring Edw. G. Robinson, Olivia de Havilland)

UNDERGROUND
(To star John Garfield, George Brent, Geraldine Fitzgerald)

WE ARE NOT ALONE
(Paul Muni, Dolly Haas, Flora Robson. By the author of 'Goodbye, Mr. Chips,' James Hilton)

In conclusion, I want to express sincere appreciation to all the exhibitors who have given us their suggestions. They are an invaluable guide. You asked for *action* and we are giving it to you. You promised better playing time for finer product and we are getting it. Together, we of Warner Bros. and you, our customers, can look confidently to a greater mutual prosperity than at any time before. We will do our share, and know you will do yours.

Vice-President
Warner Bros. Pictures, Inc.

Minneapolis Gives 'Lady' Good $6,400

MINNEAPOLIS, Aug. 21.—Best business of the week was done by "Lady of the Tropics" with $6,400 at the State.

In St. Paul, "Andy Hardy Gets Spring Fever" took first position with $5,600 at the Paramount.

Estimated takings for the week ending Aug. 17:

MINNEAPOLIS:

"Island of Lost Men" (Para.)
"Cowboy Quarterback" (W. B.)
ASTER—(900) (15c-25c) 7 days. Gross: $1,900. (Average, $1,500)
"Andy Hardy Gets Spring Fever" (M-G-M)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: $4,700. (Average, $4,000)
"Blondie Takes a Vacation" (Col.)
GOPHER—(990) (25c) 7 days. Gross: $3,950. (Average, $2,500)
"Exile Express" (G. N.)
MINNESOTA—(4,200) (15c-30c) 7 days. Stage show. Gross: $6,000. (Average, $6,500)
"Bachelor Mother" (RKO)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $5,600. (Average, $4,800)
"Lady of the Tropics" (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: $6,400. (Average, $4,400)
"The Mikado" (Univ.)
WORLD—(400) (25c-40c) 7 days, 2nd week. Gross: $2,100. (Average, $1,600)

ST. PAUL:

"Lady of the Tropics" (M-G-M)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $3,500. (Average, $3,200)
"Andy Hardy Gets Spring Fever" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $5,600. (Average, $4,000)
"Indianapolis Speedway" (W. B.)
RIVIERA—(1,000) (25c) 7 days. Gross: $3,000. (Average, $1,800)
"Nancy Drew Trouble Shooter" (W. B.)
"Ex-Champ" (Univ.)
TOWER—(1,000) (25c) 7 days. Gross: $3,000. (Average, 1,500)
"Career" (RKO)
"The Mikado" (Univ.)
WORLD—(400) (25c-55c) "Career" 4 days, "Mikado" 3 days. Gross: $1,200. (Average, $700)

'Hotel' Kansas City Leader at $9,000

KANSAS CITY, Aug. 21.—"Hotel for Women" took a combined $9,000 at the Fox Esquire and Uptown. It was held at both theatres. Weather was cool and there was little outside competition.

Estimated takings for the week ending Aug. 14-16:

"Hotel for Women" (20th-Fox)
ESQUIRE—(800) 25c-40c, 7 days. Gross: $4,100. (Average, 3,000)
"Winter Carnival" (U. A.)
"Miracles for Sale" (M-G-M)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $8,600. (Average, $11,500)
"Kid from Kokomo" (W. B.)
"Stolen Life" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $6,400. (Average, $7,000)
"Hotel for Women" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $4,900. (Average, $3,500)

Revivals at Playhouse

Ten revival pictures will be shown at the Eighth St. Playhouse, as a result of a poll of patrons' preference. Originally planned for two weeks, patron reaction caused extension of the idea to 20 days. Each film will be shown two days.

Set 'Living Dead' Run

J. H. Hoffberg, Inc., has set the American premiere of the Gabriel Pascal film, "Living Dead," at the World Theatre, following the run of "Harvest," which is expected to open next month.

Hollywood Previews

"Nurse Edith Cavell"

(Imperadio-RKO)

"This is a tale based on fact of heroic life and a conflict of loyalties, told in reverence and without bitterness. Nursing is a dedication to mercy and healing. War is a dedication to brutal force. Neither admit distinction of race or person. Each is the uncompromising foe of the other."—Foreword from "Nurse Edith Cavell."

HOLLYWOOD, Aug. 21.—A tale of sacrifice and of devotion to the cause of saving lives, appealingly told in documentary style, comes to the screen in "Nurse Edith Cavell." History having made Nurse Edith Cavell one of the most outstanding figures of the early days of the World War and her execution by the enemy a cause celebre throughout the civilized world, it remained for producer Herbert Wilcox to tell cinematically for the first time a seemingly dispassionate account of her work and her death. To be released September 1 amidst new war rumblings in Europe, the picture has great significance, indicated innocently perhaps by a publicity handbook on the film which said in part: "Official figures show that army recruiting in outraged nations jumped far above normal in the two weeks following Miss Cavell's death—an eloquent commentary on the effect of the military verdict."

With all this in mind as a basis for telling prospective customers about the Imperadio picture to be released by RKO, showmen have for marquee names:

Anna Neagle, British star best known in the United States for her outstanding performances in the British-made "Victoria the Great" and "Queen of Destiny;" Edna May Oliver, May Robson and Zasu Pitts, actresses par excellence; George Sanders, whose most recent portrayals have been the title roles of "The Saint" stories; H. B. Warner, capable veteran. They are supported by a finely cast troupe consisting of Sophie Stewart, Mary Howard, Robert Coote, Martin Kosleck, Gui Ignon, Lionel Royce, Jimmy Butler, Rex Downing, Henry Brandon, Fritz Leiber, Gilbert Emery, Lucien Prival, Richard Deane, Bert Roach, Halliwell Hobbes, Ernest Deutsch, Egon Brecher, Will Kaufman, Gustav Von Seyferttitz.

To Wilcox, who produced and directed; to Merrill G. White, his associate producer, and to Michael Hogan, who wrote the screenplay from the story, "Dawn," by Capt. Reginald Berkeley, goes credit for the creation of intense drama, founded on facts whose shadings might be deemed controversial. The foreword, followed by acknowledgement to the sources of information such as the Imperial War Museum at London and the Department of State at Washington, leaves no doubt that the film is documentary. In its telling of the arrest, conviction and execution of Miss Cavell, the story is macabre.

Running time, 95 minutes. "G."* VANCE KING

"Charlie Chan at Treasure Island"

(20th Century-Fox)

HOLLYWOOD, Aug. 21.—Mental telepathy, mind reading, tricks of magic and pyschic research mingle in the latest of the "Charlie Chan" series, "Charlie Chan at Treasure Island." From the first premonition of disaster shown during a mysterious suicide of a crime-story writer, aboard a clipper ship arriving at San Francisco, to a climax in a "house of magic" exhibit at the Golden Gate Exposition, the film thrills, chills and amuses.

Sidney Toler, again in the title role, is supported by Cesar Romero, Pauline Moore, Sen Yung, Douglas Fowley, June Gale, Douglas Dumbrille, Sally Blane, Billie Seward, Wally Vernon, Donald MacBride, Charles Halton, Trevor Bardette and Louis Jean Heydt. John Larkin wrote the original story and screenplay based on the Earl Derr Biggers characters. Edward Kaufman produced under Executive Producer Sol M. Wurtzel. Norman Foster directed.

The preview audience at the Fox Uptown Theatre, a neighborhood house, gave every indication of thorough enjoyment.

Seeking to unravel the mystery behind "Dr. Zodiac," a blackmailing "psychic," Toler's life is threatened. After three suicides and a murder, Toler brings all the suspects before an audience in the exposition exhibit and through a mind reading act, exposes the criminal.

Running time, 73 minutes. "G."* VANCE KING

**"G" denotes general classification.*

Heads Bowling Group

KANSAS CITY, Aug. 21.—Leon S. Abraham has been elected president of the Variety Club Bowling League for the 1939-'40 season, succeeding James Lewis. Frank Lambader was reelected secretary and treasurer.

'Baby' Permit in London

LONDON, Aug. 21.—A permit to show "The Birth of a Baby," but only under special educational circumstances, may be granted by the Surrey County Council to individual applicants.

'Livingstone' Sets Chicago Pace, $50,200

CHICAGO, Aug. 21.—"Stanley and Livingstone" treked into the Loop to establish a $50,200 gross at the Chicago, a record for this year in the house.

At the United Artists "Lady of the Tropics" drew $18,600. The weather was warm and clear.

Estimated takings for the week ending Aug. 16-19:

"Goodbye, Mr. Chips" (M-G-M)
APOLLO—(1,400) (25c-55c-75c) 7 days, 8th week. Gross: $4,500. (Average, $6,000)
"Stanley and Livingstone" (20th-Fox)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Vaudeville Revue. Gross: $50,200. (Average, $32,000)
"Each Dawn I Die" (W. B.)
GARRICK—(900) (35c-40c-65c) 7 days. Gross: $5,200. (Average, $5,000)
"Naughty But Nice" (W. B.)
"Sun Never Sets" (Univ.)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $15,100. (Average, $13,000)
"Man in the Iron Mask" (U. A.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days, 2nd week. Gross: $8,800. (Average, $11,000)
"Stranger Than Desire" (M-G-M)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $14,800. (Average, $12,000)
"Lady of the Tropics" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $18,600. (Average, $14,000)
"Career" (RKO)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Folies Bergere Revue. Gross: $14,600. (Average, $18,000)

'Dawn' at $22,500 Big in Cleveland

CLEVELAND, Aug. 21.—"Each Dawn I Die" finished a 12-day run at Warners' Hippodrome with a take of $22,500. "Four Feathers" made a good showing at Loew's State with $14,500. The weather was hot.

Estimated takings for the week ending Aug. 16:

"Bachelor Mother" (RKO)
ALLEN—(3,000) (30c-35c-42c) 7 days, 3rd week. Gross: $7,000. (Average, $4,000)
"Each Dawn I Die" (W. B.)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 12 days. Gross: $22,500. (Average for 7 days, $11,000)
"Frontier Marshal" (20th-Fox)
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $7,000. (Average, $8,000)
"Four Feathers" (U. A.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $14,500. (Average, $11,000)
"The Man in the Iron Mask" (U. A.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $4,500. (Average, $4,000)

'Feathers' Scores $17,000, Pittsburgh

PITTSBURGH, Aug. 21.—Box-offices zoomed for the fourth straight week, despite a dry, hot spell. Pace-setter was "Four Feathers" with $17,000 at Loew's Penn, followed by "Hotel for Women" with $10,000 at the Harris Alvin.

Estimated takings for the week ending Aug. 17:

"Hotel for Women" (20th-Fox)
ALVIN—(1,900) (25c-35c-50c) 7 days. Gross: $10,000. (Average, $7,000)
"Four Feathers" (U. A.)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days. Gross: $17,000. (Average, $13,000)
"Each Dawn I Die" (W. B.)
STANLEY—(3,600) (25c-35c-50c) 7 days, 2nd week. Gross: $8,500. (Average with stage show, $15,000)
"The Man in the Iron Mask" (U. A.)
WARNER—(2,000) (25c-35c-50c) 7 days, 2nd week. Gross: $5,500. (Average, $4,500)

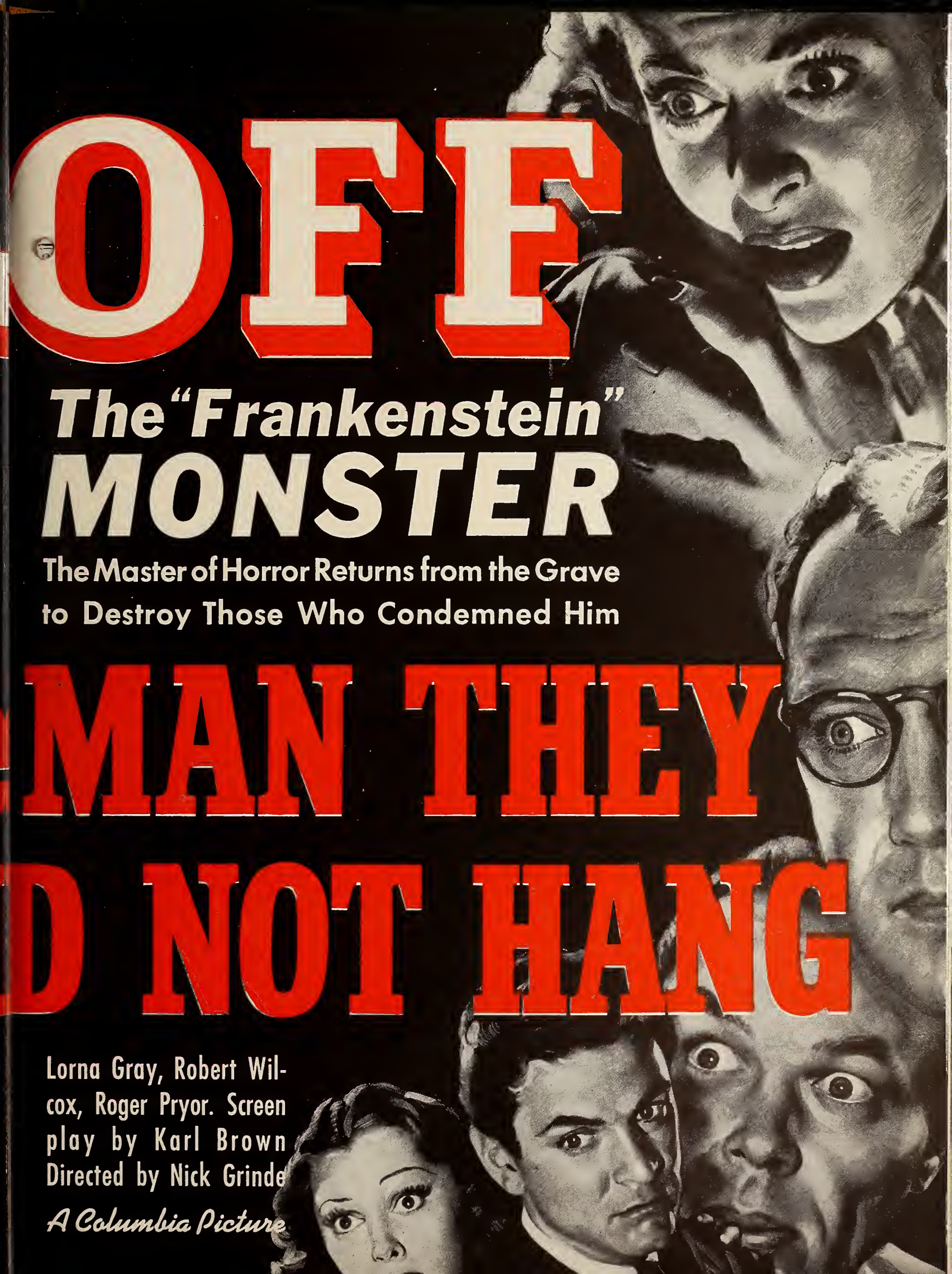

BORIS
KARL
The
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COLUMBIA
PICTURES

OFF

The "Frankenstein" MONSTER

The Master of Horror Returns from the Grave
to Destroy Those Who Condemned Him

MAN THEY
D NOT HANG



Lorna Gray, Robert Wilcox, Roger Pryor. Screen play by Karl Brown
Directed by Nick Grinde

A Columbia Picture

New Product Boosts B'way Despite Heat

(Continued from page 1)

Garland and "The Wizard of Oz" opened to police lines. At 9:15 A.M. the theatre was jammed, and at 10:30 A.M. three street lines snaked completely around as many streets, with the management reporting that the police refused to allow the formation of a fourth waiting line.

The Roxy reported the second largest weekday attendance since the current attraction, "Stanley and Livingstone," opened there three weeks ago. Yesterday's attendance approximated 15,000 patrons, and the matinee gross alone exceeded $3,000, strong for a Monday.

Music Hall's "In Name Only," currently in its third week, is playing to stronger business than last week. Gross for the first four days of the third week, Thursday to Sunday inclusive, is estimated at $54,000, with an indicated $88,000 for the full week.

"Behind Prison Gates" at the Globe, grossed $4,000 for the first three days of its run.

Tax Revenue Up $42,989 for July

(Continued from page 1)

approximately $275,000 under the $10,965,575 collected in the corresponding period a year ago.

Collections in the Third New York (Broadway) District failed to follow the trend throughout the country as a whole, dropping from $457,258 in June to $397,415 in July, the bureau reported. As compared with July, 1938 receipts showed a loss of $284,000.

Most of the loss from June was in collections at the box-office, which fell from $393,376 to $344,694, it was shown. Other collections were: free or reduced rate admissions, $7,192 in July against $5,760 in June; tickets sold by brokers, $8,162 against $12,079; tickets sold by proprietors in excess of established prices, $181 against $3,375; permanent use or lease of boxes or seats, $2,666 against nothing; admissions to roof gardens and cabarets, $34,519 against $42,667.

Sponsor Boys' Camp

PITTSBURGH, Aug. 21.—The local Variety Club has voted to co-sponsor a boys' camp, and is conducting a drive for funds under the leadership of Chief Barker Ira H. Cohn and I. Elmer Ecker. Other members of the general committee are John H. Harris, Harry Kalmine, Dan Hamill, Larry Katz, Art Levy, Burt Bishop, Archie Fineman, Al Abrams, and Dr. L. G. Beinhauer.

Democracy Award

HOLLYWOOD, Aug. 21.—Attorney General Frank Murphy will make the first annual "award for service to democracy" at a dinner here Sept. 7. The award will be made to the studio which produced the film "having the most valuable contribution to the democratic ideal" during the year ended June 15.

Hollywood Preview

"Hawaiian Nights"

(Universal)

HOLLYWOOD, Aug. 21.—Universal's "Hawaiian Nights," a comedy with music, is a blend of Hawaiian melodies and swing. Matty Malneck and his orchestra and Sol Hoopii's Hawaiian band are the orchestral combinations which help out considerably the story of a young man whose personal ambition is to lead on orchestra and whose father's desire is that he learn the hotel business.

Johnny Downs and Constance Moore supply the love interest, and they are supported by Mary Carlisle, Eddie Quillan, Etienne Girardot, Thurston Hall, Samuel S. Hinds, Robert Emmett Keane and Willie Fung.

Albert S. Rogell directed from a screen play by Charles Grayson and Lee Loeb, who adapted an original story by John Grey. Max Golden produced.

Downs, as the would-be band leader, goes to Hawaii with a group of hotel employes whom his father fired for forming an orchestra on company time. He meets the daughter of a rival hotel owner and falls in love. While his father is attempting to force the girl's father to sell his property, Downs outwits him by making the hotel a paying property in opposition to his father's ownings.

Running time, 65 minutes. "G."* VANCE KING

*"G" denotes general classification.

'Harvest' Showing Scheduled Today

A private showing of the French film, "Harvest," banned by the New York state censor, has been arranged for today by the National Council on Freedom from Censorship in a drive to lift the ban. The council is allied with the American Civil Liberties Union.

Mayor La Guardia, Lieutenant Governor Poletti and representatives of literature, the theatre and films have been invited to view the film. An appeal is pending with the Board of Regents.

Charity Ball Game In Frisco Sept. 17

SAN FRANCISCO, Aug. 21.—Hollywood's annual charity baseball game, between comics and leading men, will be played here this year on Sept. 17, as a gesture to the exposition. Proceeds will go to the Christmas funds of four daily newspapers, and Theatre Authority, Inc.

Stars who will take part include Joe E. Brown, Andy Devine, Leo Carrillo, Ritz Brothers, Jimmy Durante, Mischa Auer, Charles Butterworth, Henry Armetta, Richard Arlen, Jimmy Gleason, Edmund Lowe, Jimmy Cagney, George O'Brien, Buck Jones, Ken Maynard, Gene Autry and others.

4-A Names Steering Group In Fight With I. A. T. S. E.

(Continued from page 1)

president, to withdraw the charter he granted to A.F.A. but these reports could not be confirmed. Ralph Whitehead, A.F.A. executive secretary, stated that he and Miss Tucker had received definite assurances from Browne that the A.F.A. "would not be left out in the cold."

Whitehead declared that he had received more than 2,000 pledges from members endorsing the I.A. affiliation, and promising full support. The pledges were mailed late last week, Whitehead said, and he predicted that many more would be received during the course of this week from members working in distant parts of the country.

N. Y. Supreme Court Justice Ferdinand Pecora yesterday reserved decision on the application of a temporary injunction brought by Edwin W. Kay, Katya Komer and Byron Kay, a ballroom dance team known as Kay, Katya and Kay, against the A.F.A., La Cabana, Inc., operators of La Conga night club, and Charles Diggs, an A.F.A. delegate.

The plaintiffs, who are members of American Guild of Variety Artists, the 4-A variety union, alleged that the A.F.A., which has a closed shop agreement at La Conga, demanded that the management withdraw the act. In order to avoid a picket line, the management complied with the demand. Plaintiffs, who were never members of the A.F.A., seek an injunction against picketing and $5,000 damages.

Members of the 4-A steering committee are Paul Dulzell, Equity executive secretary; Florence Marston, Screen Actors Guild eastern representative; Leo Fischer, executive secretary of American Guild of Musical Artists; Emily Holt, executive secretary of American Federation of Radio Artists, and Maida Reade, A.G.V.A. executive secretary. Frank Gillmore, 4-A president; Paul N. Turner, 4-A counsel, and Henry Jaffe, associate counsel, will serve ex-officio. George Heller, assistant A.F.R.A. executive secretary, will serve in Mrs. Holt's absence.

Lococo Urges 'A' Films Only In Argentina

(Continued from page 1)

coco declared, although their production is greatly limited in quantity. He said the Argentine studios are making progress in improving quality of their ouput.

60 Films Next Season

In addition to the heavy play time given to domestic films in the Argentine interior, neighborhood houses in the large cities are increasing their bookings on Spanish language pictures, Lococo said.

The Argentine studios will produce 50 features this season and plan to boost the figure to 60 in 1939-'40. Lococo, who operates 13 theatres, is a joint managing director of the EFA studio in Buenos Aires. This company is making eight features this year.

Lococo while in Hollywood signed Tito Guizar, Mexican player who has been under contract to Paramount, to star for EFA. Guizar has invested a substantial sum in the company and will be an executive, acting as associate producer. He will leave in February to make two films.

Lococo also signed Hollywood studio technicians and purchased equipment here for EFA. He sails Friday on the *Uruguay*.

Pittsburgh Now Has 8 First Run Houses

PITTSBURGH, Aug. 21.—The number of downtown first run theatres doubled within a week, from four to eight. Close on the heels of the Fulton's reopening with "Second Fiddle" after two months shutdown, the Harris Amusement Co. announced that the Senator would be placed on a first run policy, and moved "Hotel for Women" from their Alvin into the sister house. A dual, "News Is Made at Night" and "Mr. Wong in Chinatown" will follow the Elsa Maxwell show.

The Senator will charge 25 cents and 40 cents, like the Fulton and Warner, and 25 cents-35 cents-50 cents for holdovers from the Alvin, as does the Warner on second weeks for pictures moved from the Stanley and Loew's Penn. Third first run will be the Barry, open after a 10-week layoff, while the Art Cinema at the same time switches from reissues and revivals to first run foreign imports.

Opening of the Fulton, and transfer of the Senator into a first run give 20th Century-Fox and Universal downtown outlets after a summer drought. The Fulton plays Universal and 20th Century-Fox, Harris houses split 20th Century-Fox product and book Republic, Monogram, Universal and Columbia.

Republic in Cuba Deal

Morris Goodman, vice-president in charge of foreign sales for Republic, has extended for another year the distribution deal with Tropical Films of Havana, Cuba, for Republic's entire 1938-'39 program of features, westerns and four serials. Izor Lichtenstein and Nestor Sanchez negotiated the deal for the Cuban company.

FIFTH AVENUE GIRL

puts some Ginger in the stuffed-shirt socialites!...



IT'S BIG BOX-OFFICE WHEN YOU'VE GOT A SHOW ALIVE WITH GREAT SELLING ANGLES!

And look at the angles here!... Everything!...Title, star, theme, director, cast!... A story with treatment as modern as next Spring's Paris fashions . . . told with a daring zip and a flair for fun that will hit movieland broadside! . . . Ginger as a park-bench Cinderella who graduates to a millionaire's mansion—over roads entirely new to screen stories!... A picture crackling with the life and fires aflame in the man who made "Stage Door"—producer-director Gregory La Cava! . . .

Yes, sir . . . another BIG ONE from RKO RADIO!

Ginger Rogers

IN

"FIFTH AVENUE GIRL"

WITH

WALTER CONNOLLY • VERREE TEASDALE • JAMES ELLISON

TIM HOLT • KATHRYN ADAMS • FRANKLIN PANGBORN

PRODUCED AND DIRECTED BY GREGORY LA CAVA

PANDRO S. BERMAN IN CHARGE OF PRODUCTION

SCREEN PLAY BY ALLAN SCOTT



OPENS RADIO CITY MUSIC HALL THIS WEEK . . .

Ascap Sees Compromise In NAB Fight

(*Continued from page* 1)

Music Bureau, as it was called, supplied non-Ascap music and orchestrations to theatres for about nine months and then went out of existence.

Exhibitors encountered two primary obstacles. One was that Ascap continued to control popular music which orchestras and theatre audiences demanded. The other was that established orchestras refused to play some of the amateurs' music.

Ascap, however, says that it would like to see the N.A.B. music bureau succeed. It contends that if it did, it would provide the answer to the universal charge that Ascap is a music monopoly. It also contends that even if the broadcasters' music bureau was to become a success, the broadcasters still would not be independent of Ascap—only less dependent on it.

They point out, also, that it would not automatically follow that the broadcasters would pay less than they now do if they used less Ascap music than at present. They state that Ascap will always have music and writers that will be demanded by the public and by orchestras. They feel that this is recognized by the N.A.B.

Museum Sets Film Schedule for Week

The Museum of Modern Art, in its Cycle of Seventy Films, will present the following films during the rest of the current week:

Tuesday—"Greed" (1924); Wednesday—"Dream of a Rarebit Fiend" (1906), "High and Dizzy" (1920), "The Navigator" (1924); Thursday—"The Big Parade" (1925); Friday—"The Smiling Madame Beudet" (1923), "Entr'Acte" (1924), "Menilmontant" (1925), "Ballet Mecanique" (1924); Saturday—"Moana of the South Seas" (1926), "Berlin, the Symphony of a Big City" (1927).

Morris' Wife Dies

Mrs. Ruth Banker Morris, wife of Samuel W. Morris of the editorial staff of MOTION PICTURE DAILY, who died on Saturday, will be buried this week in Mankato, Minn. Morris left New York yesterday, accompanying the body of his wife. The couple were married a week ago in New York, Mrs. Morris having come on from Chicago, where she had been residing.

Pauline Turberg Dies

HAMILTON, O., Aug. 21.—Pauline Turberg, 61, wife of Harry Turberg, co-manager of the Palace, Northio unit, died at Mercy Hospital late Saturday following a prolonged illness. She also is survived by a son, Nat, manager Northio Paramount, and a brother, Harry Silver, co-manager of the Palace, in addition to other relatives.

George G. Wing Dies

KANSAS CITY, Aug. 21.—George G. Wing, 32, assistant manager of the Great Western Stage Equipment Co. here, died in Kansas City, Kan., late last week following a heart attack.

BANNER RADIO LINES

By JACK BANNER

BASEBALL AND RADIO . . . Sponsors of baseball broadcasts seeking data for a promotional effort that will attest to the extent of the baseball audience are referred to the attendants in the gasoline stations that dot the highways. It is claimed that on an average, seven of every 10 auto sets are tuned to the ball games during afternoons.

▼

SELLS ARTICLES . . . The editor of the *American Hebrew* happened to tune in Martin Starr when WMCA's film commentator was commenting on "Sons of Liberty," Warner patriotic short based on the life of Haym Salomon. As a result of the broadcast, Starr has been commissioned to write two articles for the magazine about the making of the film, which are to appear in the next two issues of the magazine.

▼

RADIO AT WAR GAMES . . . Radio, via live and recorded broadcasts, even television, will attend the war games this week. The networks have scheduled a number of shows from the "war" area. Yesterday WMCA also dispatched a crew headed by Leon Goldstein and Hal Janis to take transcriptions of the sham battles on three portable units which the station dispatched to the scene in advance of the recording crew. On Friday, NBC's television apparatus will picture the air maneuvers of the air corps at Mitchell Field.

▼

NEWSPAPER SHORT WAVE STATIONS . . . Speaking of "war," the agitation in Europe over the acute martial situation is being matched in the radio rooms of the *New York Times, New York Herald-Tribune,* and *New York Daily News.* These newspapers operate short-wave transmitters. During the Munich crisis the *Times* scored a series of notable scoops by turning to short-wave when the press censorship was clamped down. Since then the *News* and *Herald-Tribune* have installed powerful short-wave receivers.

▼

PERSONALS . . . It's still Summer, as you need not be told, but Fall cannot be far behind, for the radio social activities have started. Last night at the Warwick the sponsors of the "Tune-Up Time" series tendered a party to usher in its Fall series; NBC tenders an affair to Arch Obeler and Alla Nazimova on Thursday in behalf of the Obeler-written story in which Nazimova will appear later in the week. That same evening Phil Baker will be tendered a birthday party at the Havana-Madrid, with Lyn Murray, the Andrew Sisters and the rest of the Baker cast on hand to give felicitations. . . . Tommy Riggs will be back in New York from Miami late this week to start rehearsals for his Quaker Oats series. . . . Lipton's Tea is looking over the radio field.

Gloria Jean Here For Film's Opening

Gloria Jean, Universal's new 11-year-old singing star, arrived in New York from the Coast yesterday and was given a noisy welcome by 35 of her schoolmates from Alexander Hamilton public school, Scranton, Pa. The world premiere of her first picture, "The Under-Pup," will be held at the Comerford Strand in Scranton, Thursday night.

She will leave here with a group of film executives, celebrities and critics from more than 50 cities to attend the premiere. The critics have been invited by Universal to remain in New York over the weekend for "Gloria Jean" Day at the World's Fair.

Gloria Jean was accompanied east by her parents, Mr. and Mrs. Herman Schoonover; Charles Previn, Universal musical director, and David Lipton, of the studio publicity staff. Following her arrival she held a press reception at the St. Moritz and lunched with her classmates at the hotel. She is scheduled to appear on a national broadcast and to meet Mayor LaGuardia before leaving New York.

'Streets' Opens Sept. 1

"Song of the Streets," first of eight foreign films to be released next season by Arthur Mayer and Joseph Burstyn, will have its American premiere at the 55th St. Playhouse on Sept. 1.

Six New Companies Formed at Albany

ALBANY, Aug. 21.—Recent incorporations of theatrical and film companies here include: M. C. Pictures, Inc., film equipment, by Edward Meade, John Clein and Sol Strauss, New York; King of Comedy Film Corp., by H. G. Kosch, L. J. Schneider and Samuel Rubenstein, New York.

Also, Producers Distributing Corp. of New York, by Melvin H. Hirsh, Bert Kulick and Harry Rathner; D. & B. Operating Co., Inc., Buffalo, by Nikitas Dipson, Nicholas J. Basil and Constantine J. Basil; Jefferson Pictures, Inc., by Joseph and Al Rosen, Hollywood, and Mabel Hudson, New York; Kaufman Amusement Corp., by Max F. Finkelstein, Hyman L. Schwartz and William B. Linder, New York.

Denver Outing Is Held

DENVER, Aug. 21.—More than 300 attended the annual picnic and golf tournament of the Rocky Mountain Screen Club, with Lon Fidler, Monogram exchange manager, winning the cup in the topflight, with Walter and Gus Ibold, brothers, taking second and third. Winners in other flights were Bob Ryan, George Tawson and Howard Metzger. Winner in the women's division was Florence Chamberlain, with Mrs. Frank Roberts second.

Heat Closes Loew's

Most of the departments of Loew's closed at 4 P. M. yesterday because of the heat.

British Radio Licenses Now At 9,030,950

LONDON, Aug. 21. — The British Post Office issued 363,114 radio receiving licenses during July, 1939. This figure represents a net increase of 20,640 in the number of license holders during the month after making allowance for expired licenses and renewals.

The approximate total number of licenses in force at the end of July, 1939, was 9,030,950 as compared with 8,657,100 at the end of July, 1938, an increase for the year of 373,850.

A recent survey by the London County Council reveals that London has 291 film houses, seating 360,000. Additionally there are 88 theatres and music halls with seats for 124,000.

The principle that one attendant is necessary for every 100 children present at a juvenile matinee, has been established by the Rotherham Watch Committee. Local theatres have been so notified.

The new War office and trade Advisory Committee on camp theatres will meet Thursday.

The C.E.A., meanwhile, has been circularizing exhibitors in whose areas camps exist, asking them their reaction on the matter.

It is the intention of the committee to avoid anything which encroaches upon the legitimate trade of local picture houses, and the War Office is leaving the matter almost entirely to the joint consideration of the C.E.A. and K.R.S.

Poor working conditions in Miners' Hall film houses are to be the subject of a discussion by the National Association of Theatrical and Kine Employees.

It is the contention of the union that many of those halls which are used as theatres and directed by miners' committees, show great room for improvement in wages and hours of those employed.

Legion Approves 13 New Pictures

The National Legion of Decency, for the current week, has approved all of the 13 new pictures reviewed and classified, seven for general patronage and six for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage — "Chicken Wagon Family," "Fighting Renegade," "Gantry the Great," "Hawaiian Nights," "New Frontier," "Riders of the Frontier," "The Star Maker." Class A-2, Unobjectionable for Adults—"Coast Guard," "Eternal Youth," "Full Confessions," "These Glamour Girls," "La Ultima Melodia" (Spanish), "When Tomorrow Comes."

F & Y Sets Outing

COLUMBUS, O., Aug. 21.—The Theatre Division of the F & Y Building Service, under the direction of Leo Yassenoff, president, will hold a chicken fry and corn roast at Harbor Hills, at nearby Buckeye Lake, Thursday.

Sorry...

Due to the unfortunate illness of CAROLE LOMBARD, we regret our inability to deliver "VIGIL IN THE NIGHT" to Exhibitors in October, as we had planned.

We are happy... however, to announce that MISS LOMBARD is recovering swiftly; that production will be resumed soon; and that "VIGIL IN THE NIGHT" will be delivered at the earliest possible date.

RKO RADIO PICTURES

And to Carole... a speedy recovery... and hurry back HOME...

RKO RADIO

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DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 37 NEW YORK, WEDNESDAY, AUGUST 23, 1939 TEN CENTS

Russian-Nazi Pact Comment Crowds Webs

European Staffs Relate Capitals' Reactions

Networks were crowded last night with numbers of trans-Atlantic discussions of the Russo-German non-aggression treaty, and of the developments that followed revelation of the treaty.

CBS last night presented five trans-ocean broadcasts, from Berlin, London, Warsaw and Paris, and one from Washington. From 6:30 to 6:45 P. M., William L. Shirer was presented from Berlin and Edward Murrow from London. At 7:15 P. M. and continuing for 15 minutes, the network presented Richard Mowrer from Warsaw and Tom Grandin from Paris; at 10:45 P. M. Shirer again was heard from Berlin; Grandin from Paris and A. L. Warner, CBS Washington commentator, was heard from the Capital. At 10:30 P. M., CBS presented H. V. Kaltenborn from Paris.

On NBC, Viscount Herbert L. Samuel was heard from London at

(*Continued on page* 11)

Unions Agree on Technicians' Vote

HOLLYWOOD, Aug. 22.—I.A.T.S.E. and United Studio Technicians Guild today worked out an agreement which provides for a consent election under N.L.R.B. auspices to determine the collective bargaining agency for studio technicians.

Marked by a near riot in which several persons were injured, the conference, held throughout the day with William R. Walsh, senior N.L.R.B. attorney here, provides for a test of strength of the rival groups within 30 days and will mark a contest between the CIO financed U.S.T.G. and the AFL affiliate.

The agreement, which must be approved by the N.L.R.B. in Washington, calls for balloting by all members in the disputed crafts who have worked 60 days or more from the first of the year to July 15, suspension of the closed shop clause of the I.A. contract with the producers until five days after election and certification within five days by the N.L.R.B. of the agency chosen by the workers.

Approximately 9,500 workers will participate in the balloting. Under the agreement, first cameramen will not vote.

Richman Proposes 'Peace Plan' in Actors' Dispute

Further complications were added yesterday to the already entangled jurisdictional dispute between Associated Actors and Artistes of America and the I.A.T.S.E. when Harry Richman, American Federation of Actors vice-president, appeared before the council of Actors Equity to propose "an honorable settlement of the 4-A jurisdictional controversy." A.F.A. officials promptly denied that Richman had any authority to negotiate settlements and declared that his appearance before the council was as a member of Equity and not as an officer of A.F.A. Richman refused to comment.

Richman, under suspension by Equity and due to come up for trial next Tuesday, made his appearance in connection with the scheduled trial of Sophie Tucker, A.F.A. president, who is charged with "treasonable conduct" for accepting an I.A. charter for the A.F.A. He pleaded with the council for more than an hour and, after the council had conferred with the 4-A steering committee, the following statement was issued:

"Mr. Harry Richman, at his own request, came before the council in an effort to find, as he stated it, 'an honorable settlement of the 4-A jurisdictional controversy.' The council con-

(*Continued on page* 4)

COMMERCE DEP'T STUDY CONTINUES

N.Y. Film Tax Revenues for Year $300,331

By RICHARD J. CONNERS

ALBANY, Aug. 22.—The State of New York received $300,331.50 from its motion picture tax in the 12-month period ended June 30, 1939, it was learned here today. The tax is assessed for the work of the Motion Picture Division of the Department of Education, headed by Director Irwin Esmond, which reviews the pictures on submission, censors or deletes portions when necessary and issues a seal for exhibition throughout the state.

The tax is $3 per 1,000 feet or fraction thereof on the original submitted and $2 per 1,000 feet for each duplicate. For the fiscal year ended June 30, 1938, the State of New York received $306,945.50 or $6,614 more than for the more recent 12 months, as

(*Continued on page* 9)

No Industry Meeting Is To Be Called Until After Labor Day

By BERTRAM F. LINZ

WASHINGTON, Aug. 22.—Rejection of the proposed trade code by the Department of Justice as yet has had no effect upon the plans of the Department of Commerce to aid the industry in solving its problems, Commerce Department officials stated today. No meetings, however, with either distributors or exhibitors are planned for the near future, and none will be called until after Labor Day.

It was made clear that the Department of Commerce group which interested itself in the film situation did not consider the proposed code to be the only likely method of solving the industry's problems. Rather, the code was looked upon as one of a number of possible expedients which might be developed to better relations among the various groups.

The Department of Commerce officials are fully conversant with latest developments in the code situation and have not been advised by the distributors of any changes in their plans. These officials are continuing their study of the factual material which

(*Continued on page* 4)

Film Firms Paid $760,000 For 14 Plays in 1938-1939

Film companies during the 1938-'39 season paid a total of $760,000 for 14 legitimate stage plays which lasted three weeks or longer on Broadway, for an average of $54,285 per play, according to the Dramatists Guild. Figures for plays which were unproduced or which did not last for a three-week run are not included because such films may be sold independently of the guild.

Guild sources stated that the season was slightly above the average in the number of plays purchased although the average prices paid were somewhat lower. During the 1937-'38 season, 12 such plays were bought for a total of $700,000. The average price during 1937-'38 was $58,333.

Prices paid for individual plays are not released by the Guild because film companies insist that their own publicity offices be permitted to handle these details. The present minimum basic agreement, which went into effect in March, 1936, has not restricted the purchase of film rights, according to the Guild. It was pointed out that the greatest year the guild enjoyed was the 1936-'37 season, which was the first under operation of the pact. During that year, $1,750,000 was paid for 17 plays, an average of slightly more than $100,000 each.

Negotiations for modification of the pact to permit film companies to purchase rights before the production of the legitimate stage play have been delayed until after Labor Day. The guild council will not be able to muster a quorum before then.

Two major difficulties have presented themselves. One is the demand by the council that $15,000 be paid for pre-production rights in addition to royalties, and the other is the right of the film company to withdraw a legitimate play's star for work in the production of the picture. The guild is preparing a new draft which obviates these obstacles and will present it to the guild council for approval.

SWG 'Blacklist' Told at Hearing

HOLLYWOOD, Aug. 22.—Blacklist threats during the controversy between the Screen Writers Guild and the producers were laid today to Jack L. Warner, vice-president of Warners, and Harry Cohn, president of Columbia, at the N.L.R.B. hearing into charges filed against eight major producers.

The testimony was given by Dalton Trumbo, Guild member, who occupied the stand most of the afternoon. He said Warner, in connection with the S.W.G. affiliation with the Authors League of America in 1936, told writers at the studio that "many writers wouldn't last long in this business."

"Communistic," Says Jones

Trumbo declared Cohn forced him into a long-term contract on threat of blacklist.

Grover Jones, first president of the Screen Playwrights, Inc., testified that the organization was formed "to get

(*Continued on page* 2)

Purely Personal

LEO SPITZ, JOHN BALABAN and his son, BILLY, and NATE PLATT have returned by plane to Chicago from a week's fishing trip in northern Canada. They flew down from Winnipeg.

•

HARRY LYONS, manager of the RKO Republic Theatre, Brooklyn, is on an 18-day vacation cruise through the Panama Canal to Mexico. HERMAN GRASING, the theatre's assistant manager, is vacationing in his absence.

•

LOUIS GOLDBERG, division manager in charge of the 17 RKO houses in Brooklyn, is summering with his family at Long Beach, L. I.

•

JEAN MUIR arrived from Hollywood by TWA *Sky Chief* yesterday en route to Greenwich, Conn., where she will rehearse for a role in "It's Always Juliet."

•

BOB RUSSELL of the Poli circuit, New Haven, is in town conferring with JOE VOGEL and OSCAR DOOB.

•

ANNA D. ELLMER, Loew advertising department office manager, is back at her desk after a Lake Placid vacation.

•

LESTER ISAACS, Loew projection chief, is in New Orleans for the first trials of the new "double track" sound development with "The Wizard of Oz."

•

H. M. RICHEY of RKO returns tomorrow from Detroit.

•

ANDREW CHRISTENSEN, Irving Trust representative in RKO, has returned from a vacation.

•

PAT CASEY is expected here from the coast on Friday.

•

DONALD CRISP, Warner player, arrived in New York yesterday on the *Laconia* after a vacation abroad.

•

RENEE CARROLL, hatcheck girl at Sardi's, will be interviewed on an NBC television program at 1 o'clock today by George Ross of the *World-Telegram.*

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It's Cool All the Way!
THE PLAINSMAN
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Insider's Outlook

By SAM SHAIN

LEONARD GAYNOR and Bland Johaneson have changed the name of their pet rooster from Fido to Golden Boy, because he got the best of a tussle with one of the guests on the farm during the past weekend. Golden Boy is a regular fighting cock and enjoys pecking away at anything or anybody he can reach. Generally, he gets beaten off, so that when he actually gets away with a bite or a nick, that's something. Of course, the fact that Gaynor is associated with Columbia Pictures hasn't anything to do with the change of title.

LYNN FARNOL gave a luncheon at the Plaza yesterday for Clarence Erickson, who is the business manager and treasurer of the Walter Wanger company. Present were Terry Ramsaye, Monroe Greenthal, Red Kann, Al Margolies, Jack Harrower and Harry Koziner.

ON Armando's *Whippet,* a 72-foot, luxury cruiser over the week-end with Matty Fox, Jack and Bill Skirball—to Saratoga for the races and back to New York for an evening sail around the Battery. The weather was good until Saturday night when rain was encountered from Albany to Poughkeepsie.

Friday night, somewhere between Albany and Troy, the boat ran out of gas, and a passing cruiser answered our "Ahoy," "Ahoy," and skimmed back to Albany to bring us enough gasoline to get to Troy.

Saratoga was unkind to all the party, but there were many there from the trade, including Ned Depinet, Jack Pulaski, Willard McKay, Herbert Bayard Swope and David Sarnoff.

IN his budget recommendations to the legislature, which he made in January, Governor Herbert H. Lehman estimated the film tax receipts would amount to $300,000 for the fiscal year ending June 30th, last. Figures from Albany now show that the actual receipts were $300,331.50, which is pretty close figuring and proves what a shrewd judge of such matters the Governor really is.

ALTHOUGH not obligated to deliver "First Love," the Deanna Durbin picture, under the 1938-'39 contract because the picture is unavailable for release during the current season, Universal is going to let exhibitors have it just the same on the old contract. This is Universal's way of expressing its gratitude to exhibitors. Time was when exhibitors had to go to law to enforce rights for delivery of product under such conditions.

Critics Due Today For Scranton Trip

About 40 film critics from the eastern half of the country are due in New York tonight to join the Universal party to honor Gloria Jean on the occasion of the world premiere of "The "Under-Pup," in which she makes her film debut. Headquarters of the party are at the St. Moritz Hotel.

Tomorrow morning the group will leave for Scranton, Gloria Jean's home town, where the premiere of the picture will be held tomorrow evening at the Comerford Strand. Numerous social events for both the critics and the young star and her friends have been planned for the two days the party will be in Scranton. The group returns to New York in time to help observe "Gloria Jean Day" at the World's Fair on Sunday.

Edward Levy Sentenced

Edward G. Levy, secretary of the Connecticut M.P.T.O. and general counsel of national M.P.T.O.A. for a number of years, was sentenced to serve one year in state prison for his part in the conspiracy case against officials of the city of Waterbury, Conn. Levy, a New Haven lawyer, turned state's evidence and pleaded guilty about one year ago.

Televisor in Tavern

A television receiver is now being installed in Bob Goldstein's Tavern on West 48th St. Television recivers have appeared in theatre lobbies, department stores and other places of business, but this is the first set to be placed in a Broadway restaurant.

Loop Relief Fund To Aid Film Needy

CHICAGO, Aug. 22.—A fund has been established for the relief of persons in the industry here who are unemployed and in need. The fund was established immediately after the Jack Kirsch testimonial dinner, the entire proceeds of $2,850.28 being set aside for this purpose. Of this sum the committee has already distributed $1,140.94, leaving a balance of $1,709.34.

The group also reported that the net proceeds of the Clyde Eckhardt Silver Anniversary Testimonial Dinner were $319.82. This amount is being added to the proceeds of the following dinners, which money will all be used for relief purposes. Kirsch is chairman of the committee.

Coast Hearing Told Writers 'Blacklisted'

(*Continued from page* 1)

rid of that lousy communistic Writers' Guild."

Jones waxed vitriolic and clashed frequently with Leonard S. Janofsky, S.W.G. counsel.

He preceded Louis B. Mayer, [illegible] O. Selznick and John Lee Mahin, Screen Playwrights president, to the stand. Mayer testified that the Playwrights, which obtained a bargaining agreement for writers in 1937, was formed following an address of the late Irving Thalberg to M-G-M writers. Mahin corroborated Mayer and said he resigned from the SWG following Thalberg's talk. Selznick told of his approval and signing with other producers of the Playwrights' contract.

Zanuck on Stand

Opposition of Darryl F. Zanuck to SWG affiliation with the Authors League of America was told by the producer as the hearing continued. Zanuck described the A.L.A. move as "a plot of jealous writers unsympathetic with the industry" to control Hollywood film material.

Describing his rise from writer to producer, Zanuck denied having intimidated writers into resigning from the Guild. He said film writers are regarded by "a certain eastern group of writers and dramatists" as incompetent playwrights and that the eastern group is jealous that film writers sometimes make more on one script than it is possible to earn on one book or play.

Meeting on Studio Union Pact Friday

Meeting of the international unions which are signatories of the five-year basic agreement with studios will be held Friday morning in the Robert Treat Hotel, Newark. Meeting was requested by the unions and the date and place were confirmed by the producers' labor representatives yesterday.

Union officials said "nothing of importance" is on their agenda for Friday's meeting.

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Front page flash from N.Y. World-Telegram (typical of news coverage) as New York went wild!

10,000 Wait in Line To See Wizard of Oz

Fans Circle Block Standing Four Abreast

Thousands of women and children, with a few men sprinkled among them today surrounded the block in which the Capitol Theater is located, waiting in line to see the Wizard of Oz on its opening day.

The line began to form before 8 A. M. and when 6,000 marched into the theater, when the doors opened at 8:45, there still remained a line in which there were 4,000 movie fans, police estimated, and 20,000 by the estimate of the theater's press agent.

The line, which 100 police controlled, began at the box office; extended north to 51st St., east to Eighh Ave., souh to 50th St. and west to Broadway.

For most of its length people were standing four abreast. Broadway showmen who happened by stared in amazement. They commented that the Wizard was the biggest hit since Snow White and might turn out to be even a greater draw.

OH BOY!

U. S. Survey Of Industry Will Continue

(*Continued from page 1*)

has been compiled as the basis for further discussions with various interests in the industry.

"We have not heard anything from the distributors and are proceeding with business as usual," one of the department officials said. No definite plans have been worked out for future activities, although the department is whipping some ideas into shape, for action after the current study of the statistical material is completed.

Distributors Defer Code Action for Month

The proposed trade practice code, which received its knockout blow from the Department of Justice last week, will be permitted to rest in peace for at least a month insofar as distribution companies are concerned, it was learned yesterday.

At the end of that time, and if there is any indication of a change of heart or mind down Washington-way, exploratory moves may be initiated to determine whether or not a respirator would be of any use. If a revival of the code—even an attempted one—appears then to be out of the question, the code will be put aside permanently.

Contract Clauses Possible

However, it appears likely that in such an event, individual code features could be incorporated in company contracts, as reported by MOTION PICTURE DAILY on Monday. Companies would be obliged to act individually in this direction, however, and there would be little or no likelihood of uniformity in the matter of contract clauses. Thus, some provisions of the proposed code might be found in the license agreements of some companies and not in others, although the latter might have an entirely different selection of provisions.

Conference Postponed

Earlier plans for a conference of company attorneys with Assistant Attorney General Thurman Arnold with the announced purpose of attempting to convince him that exhibitors want the code and that it could be given to them legally, have been dropped for the present, at least. The plan met with some opposition and, in addition, was regarded by many industry attorneys as a hopeless procedure at best.

Will H. Hays, who returned from the coast on Monday, about two weeks ahead of schedule, was described as being "stunned" by the Arnold letter which spelled the code's doom. Hays, however, made no public comment on the matter.

California I. T. O. To Discuss Stand

LOS ANGELES, Aug. 22.—Board of directors of I.T.O. of Southern California will meet tomorrow to discuss Thurman W. Arnold's rejection of the proposed trade practice code. The organization is one of the unaffiliated groups which participated in the code negotiations. The board's stand will be made known after the meeting.

N. Y. Allied Defends Course In Reply to National Allied

By AL FINESTONE

New York Allied has consistently supported the policies of National Allied, despite efforts of the parent organization to "wreck" the state unit, it is declared in a statement issued yesterday by New York Allied, of which Max A. Cohen is president.



Max A. Cohen

The statement is in the form of a bulletin to members in answer to charges made by National Allied when expelling the state unit from membership.

At the outset the bulletin asks: "Will we permit the 'inner circle' of National Allied to govern the future of independent exhibitors in this country?"

A Few "Backbiters"

New York Allied charges that "efforts are now being made to destroy the present unit and try and create another unit which would bow subserviently to the wishes of the 'inner circle' and do exactly as they are told." It is declared that a few "backbiters" within the state unit were "working in cahoots" with Col. H. A. Cole and Abram F. Myers, president and general counsel respectively of National Allied, and that "all this knifing in the back was being attempted without the knowledge of the membership at large and certainly without the knowledge of the president of the organization."

National Allied's assertion that "numerous members" of the unit are out of sympathy with the leaders is declared to be "a deliberate and malicious misstatement, because at the last meeting at Syracuse unqualified approval was given to the actions contemplated by New York Allied, and this by a preponderance of the vote of the membership."

This charge, says New York Allied, "is just another effort to draw a 'red herring' across the trail, on the part of National Allied, so as to attempt to overshadow the important and constructive work being carried on by this unit."

The bulletin makes specific answer to the grounds for expulsion stated by National Allied—that the state unit failed to support the national organization financially, that it acted contrary to Allied's policies and failed to curb attacks on National Allied by Cohen and Harry G. Kosch, New York Allied counsel.

In 1932, says the bulletin, the national organization attempted unsuccessfully to form a New York State unit and the dues were established by the national organization at that time. When the present unit was instituted last year, the same "starvation rate of dues" was continued and the unit "somehow made ends meet," the statement continues.

"We are expelled because of a top-heavy burden placed on us by National Allied, in a job that they had failed miserably to complete," says the bulletin. "And remember this, too—we are expelled from membership when we never were accepted into membership of National Allied."

Cole Praised Unit

It is further declared, by quoting the official minutes of New York Allied's annual convention in May that both Cohen and Kosch vigorously supported National Allied's policies and course of action and that Col. Cole, speaking at the convention, praised the unit's successful organization.

The convention went on record, it is stated in the bulletin, as supporting the national policies while favoring continuance of negotiations on the proposed trade practice code. Col. Cole declared at the time that National Allied welcomed recommendations from state units and that the resolution on the code would be given every consideration by the national board.

"This is," says the bulletin, "beyond any peradventure of a doubt, as conclusive proof on the part of Col. Cole as any proof could be that he found no fault with the policies of New York Allied—and that as a matter of fact he endorsed them. We defy anyone to state that we have deviated one iota from the course and from the policies charted by an overwhelming majority of the membership."

All 3 Skirball Films To Be Made in East

All three of the features planned by Knickerbocker Pictures, the new Jack Skirball-John J. Wildberg producing company, will be made at Eastern Service Studios, Astoria, the studio reported yesterday.

The productions will be budgeted at about $400,000 each and will be distributed by Columbia. The first to go before the cameras will be "Angela Is 22," by Sinclair Lewis, start of which is scheduled for early October. Other productions to follow will include: "For All Their Lives," by Ursula Parrott, and "Fourteen Uncles," by Peter Arno and Bertram Block. The plan is to complete one picture in each six-month period, it was said.

Pictures are the highest budgeted to be slated for eastern production in many years.

Judell Purchases Arizona Studio Site

HOLLYWOOD, Aug. 22.—Producers Pictures Corp., of which Ben Judell is president, has purchased a large site near Prescott, Ariz., where studio sound stages, western streets and permanent sets are to be built for the filming of outdoor action pictures.

Three series of westerns, of eight films each, will be made at Prescott, featuring Bobby Clark in the "Sagebrush Family" group; George Houston, in the "Tales of Billy the Kid," and Tim McCoy, in the "Frontier Marshal" series.

'Citizen' Withdrawn

MADISON, WIS., Aug. 22.—Following protests from labor groups, the Capitol here pulled "Our Leading Citizen" after a showing of only one day.

Richman Has 'Peace Plan' in Actors' Dispute

(*Continued from page 1*)

sented, without prejudice to its position, to agree to his request for a postponement of its consideration of Miss Tucker's case until Aug. 24, 1939 at 2 P.M. when a special council meeting will be held."

Equity officials declined to reveal what proposals Richman had made, but it is understood that he offered nothing specific by way of peace proposals. He felt that he might have something to offer in two days.

When apprised of the situation, Miss Tucker and Ralph Whitehead, A.F.A. executive secretary, declared that he had gone before the council "strictly on his own" and "out of the bigness of his heart."

Whitehead pointed out that Richman, "if he had any ideas, should have submitted them to the council. In any event the I.A. must approve all peace plans. That's definite." Whitehead insisted that the A.F.A. would welcome peace but that it had not changed its original stand.

"It would be very nice if Harry Richman can accomplish what the A.F. of L. executive council could not do," said Miss Tucker. Miss Tucker called an executive council meeting to consider the latest developments for 4 P.M. today. She was still undecided last night whether or not she would appear before the Equity council tomorrow when her case comes up again, but declared that she would abide by the instructions of her attorney. Miss Tucker was not present at yesterday's Equity council meeting.

Meanwhile, from the Screen Actors Guild, came a more ominous note. Following an executive board meeting on the coast Monday night, the S.A.G. yesterday made public the text of a resolution offering full support to any 4-A union against which the I.A. attempts reprisals. Declaring that "any attack or reprisal against one 4-A union is an attack on all 4-A unions," the resolution pledged the full strength, "economic and otherwise . . . for the duration of a finish fight."

The resolution also stated that the S.A.G. would support the "one big union" plan, provided each group maintained its autonomy.

The pledge to support other unions against reprisals from the 4-A was generally interpreted as a threat of a strike on the coast if the stagehands refuse to permit "Leave It to Me" to reopen without Miss Tucker.

SAG Names Group In IATSE Fight

HOLLYWOOD, Aug. 22. — Screen Actors Guild directors today appointed a steering committee to represent it with other 4-A groups in its controversy with the I.A.T.S.E.

Named to the committee were Ralph Morgan, president; James Cagney, Edward Arnold, Paul Harvey, Porter Hall, Murray Kinnell, Lucile Gleason, Jean Hersholt and Robert Montgomery.

Ken Thomson, executive secretary, said that despite affirmation of 4-A jurisdiction by the AFL, "Ralph Whitehead has attempted to continue a raid on actors" with IA assistance.


Hello-
Gloria Jean



Say "Hello!" and get on to what's happened! Universal has found a new star! A girl with a thrill-ion dollar voice, an amazing faculty for being herself. A star who's first picture finds her surrounded by the top favorites of Hollywood and backed by the production genius of Joe Pasternak, unerring creator of successes!

Robert CUMMINGS • Nan GREY
and Gloria JEAN in

"The UNDER-

—there's one in every family!

with

Beulah Bondi • Virginia Weidler • Margaret Lindsay
C. Aubrey Smith • Billy Gilbert • Ann Gillis
Raymond Walburn • Paul Cavanaugh • Samuel S. Hinds

Original story by I. A. R. Wylie • Screenplay by Grover Jones • Directed by RICHARD WALLACE

A JOE PASTERNAK Production





PUP"



HERE'S A STORY SO HUMAN YOU COULD CAST IT WITH ANY FAMILY, ANY YOUNG LOVERS, AND ANY SHINING YOUNGSTER—PROVIDED SHE HAD THE VOICE IN A MILLION THAT IS GLORIA JEAN'S!

Nothing ever happened to this family until Pip-Emma wrote about trees . . . . . .



But that did it! That brought on the people... and the Penguins . . . and the kind of happenings that could occur only in—and out of—a typical American home!

HERE'S HOW OE PASTERNAK (Creator of the Deanna Durbin successes) CAST "THE UNDERPUP"

1. Gloria Jean's first movie role is that of "Pip-Emma," a girl full of pranks and golden voice.
2. Robert Cummings, star of "3 Smart Girls Grow Up," plays breezy "Denis," imaginative football star.
3. Nan Grey plays "Priscilla," who, for a time, denies Denis' claim that life's best things are free.
4. Beulah Bondi is inimitable as a chilly old maid with a reserve like the Federal Bank.
5. Virginia Weidler was assigned as "Shy Janet."
6. Margaret Lindsay plays Mrs. Cooper, Janet's troubled mother.
7. C. Aubrey Smith, irascible, dominating as "Grandpa."
8. Billy Gilbert got the part of "Tolio" frantic father of two T N.T. boys.
9. Ann Gillis was handed the part of "Letty-Lou," red-headed "stooge."
10. As the moneyed Mr Layton, Raymond Walburn really swings his weight.
11. Paul Cavanaugh plays the good provider but bad father.
12. Shirley Mills is the dictatorish president of the "Penguins."

AUGUST 24th SEES the WORLD PREMIERE of UNIVERSAL'S

"THE UNDER-PUP"

—There's one in every family!

at the Strand Theatre, SCRANTON, PA.

GENERAL RELEASE SEPTEMBER 1st

Backed by a $75,000 National Promotion Campaign

N. Y. Film Tax Revenues for Year $300,331

(*Continued from page* 1)

compiled by Comptroller Morris S. Tremaine.

Operation of the Motion Picture Division, including the salaries of its reviewers, inspectors and field workers, regularly costs about $165,000, leaving a net profit to the state of $135,000 by reason of its film review work.

Ordinarily, the industry's big pictures do not take more than 50 prints for use in the state, it is understood. The shorter features and independently produced pictures take considerably less.

The industry figures prominently in the payment of three other state-imposed forms of taxation, on corporations, organization of business and the stock transfer impost. The yield for both fiscal years was:

	1938-39	1937-38
Corporation taxes	$27,002,053.34	$32,192,720.26
Stock transfer tax	19,312,750.57	20,675,922.17
Business organizations	396,388.56	355,001.07

The motion picture tax, as well as the other levies, has been incorporated in the new 1939-'40 budget of approximately $390,000,000.

Ticket Agencies Start Joint Buys

Associated Theatre Ticket Agencies, organization of the smaller Broadway ticket brokers, yesterday announced their intention of making ticket purchases collectively in an effort to oust the three major brokers from control. Committees will be sent out of town to catch previews and will make recommendations for block purchases.

Since many of the smaller brokers have requirements for only a few tickets for each show, the present move will consolidate their strength and may actually put them in a position of dominance. Gustave A. Gerber, A.T.T.A. attorney, declared that the organization would refuse to consent to an extension of the present ticket code because its request for revisions had not been answered. Actors Equity council yesterday recommended that the code be extended for 60 days pending consideration of amendments.

Officers of A.T.T.A. elected yesterday were Thomas Naughton, president; A. K. Lemmon, vice-president; William Deutsch, treasurer; Louis Schonceit, secretary, and Philip Furst, sergeant-at-arms.

Monogram to Release Six 'Renfrew' Films

HOLLYWOOD, Aug. 22.—Phil Goldstone's Criterion Productions will release through Monogram a series of six "Renfrew of the Mounted" features starring Jimmy Newell. Two of these are completed and Phil Krasne, producer, will start two more early in September. The series formerly was announced for Grand National release.

New York Previews

"The Star Maker"

(*Paramount*)

Thes name Bing Crosby in the title role, the title of the film itself, with its suggestion of the origin of the film, the work of the famous Gus Edwards, and the appearance of the young singer, Linda Ware, are invaluable selling assets for the exhibitor showing "The Star Maker."

This Charles R. Rogers production has tuneful music of today and yesterday, which is certain to arouse a gratifying response in any audience, young or old; the appearance of the Philharmonic Orchestra, conducted by no one less than the notable Walter Damrosch himself, which provides the film with a certain distinguished appeal, and dozens of extremely talented youngsters.

The film is a natural for exploitation along the child talent lines, since the film is basically Crosby's developed idea of kiddie shows and a talent hunt across the country, and that type of exploitation has never failed to score successful response. Paramount has made good exploitation use of the fact that Linda Ware, who makes a striking musical appearance, is an orphan, an idea which the alert showmen also may turn to advantage.

Roy Del Ruth directed from a screenplay by Frank Butler, Don Hartman and Arthur Caesar, based on a story by Caesar and William A. Pierce. The film is well dressed, the kiddie stage numbers effective and well turned. In support are Ned Sparks, as the press agent who assists Crosby in developing his child acts; Louise Campbell as the star's long-suffering wife; Laura Hope Crews, as the former opera singer mother of young Miss Ware, and Thurston Hall, as Mr. Proctor.

Crosby, song writer, married to Miss Campbell and with more ideas in his head than money in his pocket, conceives the idea of kiddie shows, finally "arrives" and with cross-country talent hunts and the like, hits the top. But the Gerry Society clamps down on the children working at night, Crosby gives Miss Ware's contract to Damrosch, assuring the girl's future, and the star maker is down once again, until radio crystal sets come to his attention, and the implied, if abrupt ending, pictures him again on top, this time in the new medium.

Running time, 94 minutes. "G."* CHARLES S. AARONSON

**"G" denotes general classification.*

'Cavell' Premiere At Canadian Fair

TORONTO, Aug. 22.—The 61st annual Canadian National Exhibition at Toronto gets under way in brilliant fashion Thursday evening, with Anna Neagle, British and Hollywood screen star, playing an important role in the ceremonies by a personal appearance with Producer Herbert Wilcox at the official opening of the Government Building. A feature will be the Canadian premiere of "Nurse Edith Cavell," to which outstanding legislators and persons of high social rank of the Dominion have been invited.

The ceremony is being conducted under the auspices of the British Empire Overseas Branch of the Toronto Board of Trade and the Governments of Australia, New Zealand, South Africa and India, with Sir Gerald Campbell, K.C.M.G., High Commissioner to Canada for the United Kingdom, officiating.

An added feature for the premiere of "Nurse Edith Cavell" is the band of His Majesty's Royal Marines, engaged as the musical attraction of the Canadian National Exhibition, which will play its first concert at the gala screening.

Joins Illinois Allied

CHICAGO, Aug. 22.—The Dearborn Theatre, operated by Jones, Linick & Schaeffer, is the latest addition to the Allied Theatre group, according to Jack Kirsch, Allied president.

World's Fair Fetes 'Golden Boy' Today

Special events have been arranged at the World's Fair for today to honor William Holden, new Columbia player, who has the title role in "Golden Boy."

The day has been designated "Golden Boy Day," and will start with a welcome to Holden at the Administration Building shortly before noon. Later, he will serve with Adolphe Menjou as a grand marshal of a Children's Day parade, will tour the Fair grounds, appear with Ben Bernie in the Amusement Park and end by receiving a copy of the Washington family coat of arms. Holden is described as being "a collateral descendant of George Washington on the maternal side."

Columbia has set Sept. 5 as the national release date for "Golden Boy."

Loew Shifts Ad Men

Gene Murphy of the Loew circuit advertising and publicity staff, is now handling newspaper contacts for the New York circuit and Loew's State advertising. George Sharf, who has been handling the State, has been placed in charge of Brooklyn newspaper contacts and Loew's Metropolitan publicity under Edward Dowden, Brooklyn publicity director. Dowden will continue to work on circuit campaigns out of the home office.

Newsreel Parade

The critical turn of events abroad and pictures of a runaway British aircraft carrier capture first attention in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 99—Europe reaches boiling point; outlook for peace is darkest since 1914 in Danzig peril. New British airplane carrier, the Formidable, runs away at launching. Poland arming. Postmaster General Farley visits Warsaw. Generalissimo Franco and new cabinet. King Victor Emmanuel reviews Italian motorized army. Former King Zog and his wife exiled in Paris. New War Resources Board formed. Lew Lehr. Saratoga races. Girls use bow and arrow. John Cobb after new auto record. Sir Malcolm Campbell sets mark.

NEWS OF THE DAY, No. 297—British warship runs away at launching. Smigley-Rydz rallies Poland in crisis. Axis partners meet on Danzig. Polish envoy to U. S. warns of war. Major Eden and Duke of Connaught do their bit. U. S. acts to perfect defense. Edgar Bergen becomes high flyer. Farley visits Warsaw. John Cobb seconds short of speed title.

PARAMOUNT NEWS, No. 110—British warship runs away at launching. Infant son of exiled King Zog of Albania arrives in France. War babies baptized in Madrid. Baby antelopes transplanted to new home. Panama Canal celebrates its 25th birthday. Motorboat regatta. Football. John Cobb seeks new auto record. Evidence of "Lost Colony" in Carolinas.

RKO PATHE NEWS, No. 10—Aircraft carrier runs wild at Belfast. Poland celebrates 25th anniversary of entry into World War. War Board named in Washington. Farley in Poland. Admiral Yarnell arrives in Washington from Orient. U. S. bomber ready for French army. Lilly family of 25,000 members holds reunion in West Virginia. Rich stakes run at Saratoga.

UNIVERSAL NEWSREEL, No. 799—Hundreth anniversary of photography celebrated at New York World's Fair. British airplane carrier kills one and injures others at launching. Texas oil fields closed. Admiral Yarnell retires from command of Navy in Far East. Italian army maneuvers. King Zog in exile in Paris. New mystery bomber built in California for French Government. Mt. Vesuvius in eruption. Reunion of Lilly family. Girl archers shoot balloons. Joe Louis training at Stephensville, Mich. John Cobb tries for auto speed record.

Griffith Asks Details In Government Suit

OKLAHOMA CITY, Aug. 22.—The Griffith Theatre interests, fighting a Government anti-trust suit, declared in a plea filed in Federal Court here that the injunctions sought by the Government "if granted, will wreck" their business.

The assertion was made in a memorandum which the four theatre circuits, operating about 290 theatres in three states, including Oklahoma, filed in court in support of their motion to force the Government to detail and amplify its charges.

"Certainly when the very existence of these exhibitors is at stake, they should know with some reasonable certainty the thing with which they are charged . . . " the memorandum said.

Burroughs-Tarzan Drive

Burroughs-Tarzan Enterprises, Inc., has inaugurated a drive for business, running from Aug. 15 to Sept. 30. Prizes are to be awarded to independent exchanges handling the product. "Tarzan and the Green Goddess" is the last independent Tarzan film, since M-G-M has the exclusive right to all Tarzan stories.

'Mask' Clicks With $5,800 In Milwaukee

MILWAUKEE, Aug. 22.—"The Man in the Iron Mask" and "Way Down South" grossed a high $5,800 at the Warner. "Lady of the Tropics" and "News Is Made at Night" took $6,300 at Fox's Wisconsin.

Estimated takings for the week ending Aug. 16-17:

"Our Leading Citizen" (Para.)
"Island of Lost Men" (Para.)
PALACE—(2,400) (25c-35c-50c) 6 days. Gross: $3,800. (Average, $4,000)
"Whispering Enemies" (Col.)
RIVERSIDE—(2,700) (25c-30c) 7 days. Stage: Mirth Parade. Gross: $5,800 (Average, $6,500)
"Four Feathers" (U. A.)
"Hotel for Women" (20th-Fox)
STRAND—(1,400) (25c-35c-50c) 7 days. Gross: 2,000. (Average, $1,500)
"The Man in the Iron Mask" (U. A.)
"Way Down South" (RKO)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: $5,800. (Average, $4,500)
"Lady of the Tropics" (M-G-M)
"News Is Made at Night" (20th-Fox)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: $6,300. (Average, $5,500)

'Feathers' Wins $4,800, Montreal

MONTREAL, Aug. 22.—"Four Feathers" at the Orpheum did the best comparative gross with $4,800 while "Goodbye, Mr. Chips" rolled along at Loew's for its fourth week with $5,200 gross. Nights were fairly cool.

Estimated takings for the week ending Aug. 18:

"Miracles for Sale" (M-G-M)
"For Love or Money" (Univ.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $4,000. (Average, $8,000)
"Goodbye, Mr. Chips" (M-G-M)
LOEW'S—(2,800) (30c-40c-60c) 7 days. 4th week. Gross: $5,200. (Average, $8,000)
"Four Feathers" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $4,800. (Average, $5,000)
"Bachelor Mother" (RKO)
PALACE—(2,600) (25c-40c-55c-65) 7 days. Gross: $6,800. (Average, $11,000)
"Frontier Marshal" (20th-Fox)
"News Is Made at Night" (20th-Fox)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $3,200. (Average, $6,500)

'Feathers' $7,500 New Haven Winner

NEW HAVEN, Aug. 22. — "Four Feathers" and "Unexpected Father" took $7,500 at the Roger Sherman. All other houses were under average as the thermometer continued very high.

Estimated takings for the week ending Aug. 18:

"Frontier Marshal" (20th-Fox)
"Panama Lady" (RKO)
COLLEGE—(1,499) (25c-35c) 7 days. Gross: $1,700. (Average, $2,700)
"Lady of the Tropics" (M-G-M)
"Miracles for Sale" (M-G-M)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $6,500. (Average, $8,000)
"Our Leading Citizen" (Para.)
"The House of Fear" (Univ.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: $2,000. (Average, $4,000)
"The Four Feathers" (U. A.)
"Unexpected Father" (Univ.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $7,500. (Average, $4,700)

Weed KARM Agent

Weed & Co. has been appointed national representative of KARM, Fresno, Cal. KARM is a basic CBS west coast station, owned by George Harm and managed by Lou Keplinger.

Hollywood Previews

"The Adventures of Sherlock Holmes"

(20th Century-Fox)

HOLLYWOOD, Aug. 22.—Following the enthusiastic public response to "The Hound of the Baskervilles" in which "Sherlock Holmes" was recreated on the screen, 20th Century-Fox decided to make a series based upon the famed Sir Arthur Conan Doyle character, with Basil Rathbone as "Holmes" and Nigel Bruce as "Watson". "The Adventures of Sherlock Holmes" is the second in the series, and is taken from the play "Sherlock Holmes," by William Gillette. In it, "Holmes" and "Watson" foil a dangerous criminal who commits a strange murder to throw them off his track while he attempts, unsuccessfully, however, to steal the Crown jewels from the Tower of London.

Supporting Rathbone and Bruce are Ida Lupino, Alan Marshall, Terry Kilburn, George Zucco, Henry Stephenson, E. E. Clive, Arthur Hohl, May Beatty, Peter Willes, Mary Gordon, Holmes Herbert, George Regas, Mary Forbes, Frank Dawson, William Austin and Anthony Kemble Cooper. Edwin Blum and William Drake wrote the screen play which Alfred Werker directed. Gene Markey was associate producer.

Running time, 73 minutes. "G."* VANCE KING

"Irish Luck"

(Monogram)

HOLLYWOOD, Aug. 22.—A goodly turnout of resident correspondents, who witnessed this film in a studio projection room on a hot night agreed that it is the best of the Frankie Darro series to date. Majority opinion traced this superiority to the fact that it's the first film to bear the name of Grant Withers as associate producer. Your coastal agent votes *aye* on both ballots.

There's a lot of plot tied into the swift little story unreeled in this light hour. There's no ostentation about the unreeling. Darro is a bell boy in a hotel that happens to be an exchange center for hot bonds. He happens to be an amateur detective of more courage than caution. Much that is melodramatic occurs and some telling comedy by Mantan Moreland, as the colored porter, counterbalances it pleasantly.

The film is directed commendably by Howard Bretherton and the screenplay by Mary McCarthy, from a story by Charles Molyneux Brown, keeps the identity of the double murderer effectively concealed until the proper time.

Running time, 60 minutes. "G."* ROSCOE WILLIAMS

"Full Confession"

(RKO)

HOLLYWOOD, Aug. 22.—This is the story, a generation-to-generation classic in the Catholic families, of the murderer who confessed his crime to the priest in the confessional and then defied the priest to betray him to the authorities to save an innocent man condemned for the crime. This is one of many tellings it has received at the hands of dramatists and this one includes all the essentials familiar to its fans plus modern fixtures which freshen but do not alter it.

Victor McLaglen is the murderer in this version, playing the part in a fashion reminiscent of "The Informer," and Joseph Calleia, last seen as the gangster in "Golden Boy," plays the priest with effective restraint. Sally Eilers, Barry Fitzgerald and Elizabeth Risdon have other principal parts, although the priest and the murderer carry the burden of the narrative.

Starting slowly, director John Farrow gets things moving along nicely after a time and works up considerable suspense in the latter stretches of the picture. Robert Sisk served executive producer Lee Marcus as associate producer and the screenplay is by Jerry Cady from a story by Leo Birinski.

Running time, 65 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

Higdon in New Post

KANSAS CITY, Aug. 22.—Ray Higdon, who has been brokering theatres in this territory for six months, has been retained by Partnership Theatres, Inc., Dallas, Texas., as contact man in an expansion program. At present Higdon will work in Arkansas, but his activities will include Missouri, Kansas, Nebraska and Arizona.

Amend Civil Rights Bill

MADISON, Aug. 22.—The State Assembly has passed and sent to the Senate the Rubin civil rights bill, which raises from $5 to $25 the minimum damages which a person may collect in civil suit for discrimination in places of public accomodation or amusement, because of race, color, creed or nationality.

'Stanley' Is Frisco's Hit With $14,000

SAN FRANCISCO, Aug. 22.—"Stanley and Livingstone," paired with "Charlie Chan at Treasure Island," drew an outstanding $14,000 at the Paramount. "When Tomorrow Comes" and "They Asked for It" was excellent with $12,800 at the Orpheum.

Estimated takings for the week ending Aug. 15-18:

"Bachelor Mother" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days, 3rd week. Stage: Vaudeville. Gross: $12,500. (Average, $15,000)
"When Tomorrow Comes" (Univ.)
"They Asked for It" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days. Gross: $12,800. (Average, $8,000)
"Spring Fever" (M-G-M)
"Bulldog Drummond's Bride" (Para.)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 3rd week. Gross: $5,000. (Average, $6,000)
"Lady of the Tropics" (M-G-M)
"They All Comes Out" (M-G-M)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: $13,000. (Average, $16,000)
"Stanley and Livingstone" (20th-Fox)
"Charlie Chan at Treasure Island" (20th-Fox)
PARAMOUNT—(740) (15c-30c-35c-40c) 7 days. Gross: $14,000. (Average, $11,500)
"They Shall Have Music" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 2nd week. Gross: 8,500. (Average, $8,000)
"Hotel for Women" (20th-Fox)
"Quick Millions" (20th-Fox)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $10,500. (Average, $12,000)
"Three Waltzes" (Vedis)
CLAY—(400) (15c-35c-40c) 7 days, 2nd week. Gross: $800. (Average, 1,000)
"Soviet Border" (Amkino)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $700. (Average, $1,000)

Weather and Races Blow to Providence

PROVIDENCE, Aug. 22.—The advent of a new racing meet at Narragansett Park and continued hot weather contributed to a generally falling off at the box-offices with "Winter Carnival" and "Miracles for Sale" at Loew's State, garnering $10,000 for the best comparative business.

Estimated takings for the week ending Aug. 16-17:

"Winter Carnival" (U. A.)
"Miracles for Sale" (M-G-M)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $10,000. (Average, $11,000)
"Indianapolis Speedway" (W. B.)
"Waterfront" (W. B.
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $5,500. (Average, $7,000)
"Island of Lost Men" (Para.)
"Parents on Trial" (Col.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $4,700. (Average, 6,000)
"Four Feathers" (U. A.)
"Blonde Takes a Vacation" (Col.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $2,200. (Average, $3,500)

No London Theatre!

London, Aug. 22.—No picture theatre exists within the boundaries of the City of London. London County has 291 picture houses, but the City, a restricted area to which is confined much of the commercial activity of the capital and which has in it banks, the stock exchange, broker markets and shipping offices, is entirely without a building licensed for film purposes.

Russian-Nazi Pact Comment Crowds Webs

(Continued from page 1)

7:45 P. M. on the Blue; and at 8:30 P. M. the network presented a number of experts out of London and Paris. Earlier in the day NBC presented a number of broadcasts from Europe including a report at 10:30 A. M. from Wallace Duell at Berlin and a broadcast from Kenneth Downs, who described the situation in Paris.

Mutual last night resumed its successful policy of presenting transcriptions of news broadcasts heard by short-wave from the capitals of the world.

NBC presented the first trans-Atlantic discussions of the non-aggression agreement Monday night at 8:20, when it presented William Hillman, INS correspondent in London, and Baughage, from Washington. This broadcast beat opposition programs from Europe by some 40 minutes. CBS, however, was first on the air with a flash of the signing of the treaty, broadcast at 6:29 P. M. Monday.

Power Increases Sought by Stations

WASHINGTON, Aug. 22.—Increases in power have been asked by a number of broadcasting stations in applications filed with the Federal Communications Commission.

An increase from 1,000 to 5,000 watts was asked by WIOD-WMBF, Miami, while KFEQ, St. Joseph, Mo., asked for extension of time from day to unlimited an increase of power from 500 watts night, 2,500 watts day, to 5,000 watts; WOLS, Florence, S. C., and KVOS, Bellingham, Wash., asked for an increase from 100 to 250 watts, and WLLH, Lowell, Mass.; WMAS, Springfield, Mass.; WOMI, Owensboro, Ky.; WHLS, Port Huron, Mich.; WCMI, Ashland, Ky.; WGRM, Grenada, Miss.; WOPI, Bristol, Tenn., and WHBU, Anderson, Ind., asked for increases of night power from 100 to 250 watts.

Canada Exposition Will See Facsimile

TORONTO, Aug. 22.—Added to the film, television and broadcasting features already announced for the Canadian National Exhibition, for the 15 days of the 1939 exposition, arrangements have been made for a demonstration of facsimile for the first time in public for the Dominion.

This exhibit, which will be operated throughout the fair, is being presented by the Newsfax Canada, Ltd., which is marketing facsimile in the Dominion. The fair also is providing the introduction of television, the equipment for which has been provided by RCA. Insofar as the exhibition is concerned, motion pictures are also practically new and the screen attraction is the Paramount full length feature of the Royal Visit, which is being presented nightly.

BANNER RADIO LINES

By JACK BANNER

WINCHELL BLUNDERS . . . In Sunday's Column Walter Winchell told of a poll taken in Lindy's which purported to show the relative popularity of the local radio editors with the Broadway crowd. "Alton Cook of the *World-Telegram,*" wrote Winchell, "is tied for last place with Alton Cook." Alton for the past two weeks has been away on vacation. His column has been handled by Maxine Cook.

CHARITY GAME . . . There's to be a softball contest in Madison Square Garden Sunday night for the benefit of the Stagecrafters Dinner Club, which feeds needy thespians. The contest is to be between the Hellzapoppin cast and the CBS announcers' team. Nick Kenny, Dinty Doyle and John Chapman are to be the umpires. Reserved seats have been ordered by Katharine Hepburn, Tallulah Bankhead, Tony Martin, Andre Kostelanetz, Carmen Miranda and other notables.

TRAGEDY . . . Last night David Laughlin got his first big break on the air when the Andre Kostelanetz "Tune-Up Time" series returned for the new season. Immediately following the repeat performance Laughlin received a telegram from Colorado Springs informing him that his father had died. Laughlin is flying west to attend the funeral.

NEW ACCOUNT . . . Newell-Emmett agency has just obtained the Pepsi-Cola account, and the agency is shopping for a radio program. A children's show is being sought, something on the order of the old Mickey Mouse and Popeye air shows. Eddie Cantor is in the running for this program, it is understood.

ALMOST CAUGHT SHORT . . . As related in a news story in another column, NBC was the first network on the air with a trans-Atlantic discussion of the Russo-German non-aggression treaty, with William Hillman, INS representative in London, and Baukhage, NBC's Washington commentator, heard in a two-way discussion of the treaty. How Baukhage beat the clock to the studios makes another item . . . for the column.

Baukhage, after a frantic search by NBC, was located in the home of Professor Charles Tansil, where the two had been discussing the European situation. Tansil, who was foreign affairs adviser to the Senate Foreign Relations Committee during the World War, and Baukhage, grabbed a couple of reference books, and in a taxi they drew up a list of questions to ask of Hillman. They got to the studio just 50 seconds before Hillman came on the air from London.

Chesterfield Renews Paul Whiteman Show

Chesterfield Cigarettes, through the Newell-Emmett agency, has renewed the Paul Whiteman broadcasts over CBS for another year. Program is presented Wednesdays at 8:30 P.M. over a hookup of 92 stations.

Other renewals and new business just placed on CBS includes Corn Products Sales Co., presenting a new series titled "Society Girl" over a 35-station hookup, Mondays through Fridays at 3:15 P.M., and Cudahy Packing Co., in a renewal of the Monday through Friday dramatic strip, "Bachelor's Children," which is broadcast at 9:45 A.M. over 18 stations. Hellwig-Miller is the agency for the former program; Roche, Williams & Cunnyngham the agency for the latter.

To Ask Carlin Quiz

Examination before trial of Phillips Carlin, sustaining program director of NBC, will be asked of the N. Y. Supreme Court on Aug. 28 by Leo Lindner, according to a notice filed yesterday. Lindner is suing NBC for $25,000, claiming to have given the defendant the idea for the "Hall of Fame Presentation" program.

NAB Meeting Today

Negotiating Committee of the National Association of Broadcasters will meet today at CBS to resume discussion of a plan to make the radio industry less dependent upon Ascap for a flow of music.

WOR and WHN Sign To Air Pro Football

Contracts were signed yesterday for the broadcasting of the games of the New York Giants professional football team and the Brooklyn Dodgers grid team, over WOR and WHN, respectively.

General Mills will sponsor the broadcasts of both teams. The contracts were placed through the Knox-Reeves agency.

The broadcasts will involve play-by-play descriptions of all the games of each team. Programs get under way Sept. 14, and on succeeding Sundays thereafter for 10 weeks. Sportcasters for the games are as yet unselected, although it is believed Red Barber will handle the asssignment over WOR.

Two Shows Cancelled

SAN FRANCISCO, Aug. 22.—Making way for a network broadcast of Sperry Flour Breakfast News with Sam Hayes, from Hollywood, KPO, NBC red outlet here, has cancelled the time of two sponsors—Bathasweet Corp. and North American Accident Insurance Co., which sponsored Bob Andersen's newscasts locally. Bathasweet transfers its news to KSFO with Bob Garred, and North American to KJBS, with Jim O'Neil.

CBS Signs Sevareid

Eric Sevareid, recently resigned as the city editor of the *Paris Herald,* has been engaged by CBS to serve on the network's European staff.

NBC Signs 19 New Accounts In One Month

New accounts signed on NBC from the end of August to Oct. 1 number 19, according to a survey. Practically all of the accounts will run into and beyond 1940. The programs are as follows:

Ohio Oil Co., sponsoring "Melody Marathon," Fridays at 10:30 P.M. over the Blue, starting Sept. 1; Grove Laboratories, sponsoring Basil Rathbone in a Sherlock Holmes series, Mondays at 8 P.M. on the Blue, starting Oct. 2; Andrew Jergens Co., presenting "The Parker Family" Sundays at 9:15 P.M. over the Blue, starting Oct. 1; Wheatena Corp., sponsoring "Hilda Hope, M.D.," Saturdays on the Red starting Oct. 7; Miles Laboratories, sponsoring "Alec Templeton Time," Mondays at 9:30 P.M. on the Red, beginning Sept. 25; Musterole Co., presenting Carson Robison Fridays at 8:30 P.M. over the Blue, starting Oct. 13.

General Mills Program

General Mills will sponsor "Jack Armstrong" Mondays through Fridays at 5:30 P.M. on the Red starting Sept. 25; Gordon Baking Co., sponsoring a series titled "One of the Finest" Mondays and Thursdays on a limited Blue network beginning Oct. 2; Charles Gulden Co., presenting the "Serenaders" Wednesdays and Fridays at 6:30 P.M., starting Oct. 4.

Quaker Oats Co. will sponsor "Girl Alone" Mondays and Fridays starting Sept. 26; Tommy Riggs starts for the same sponsor Monday Sept. 24; Ralston-Purina will present Tom Mix Mondays through Fridays starting Sept. 25; Ward Baking Co. will bring back to the air Joe Penner on Thursdays, beginning Oct. 5; H. Fendrich will present "The Dreamer" on Sundays starting Sept. 24; General Electric will return "Hour of Charm" beginning Sept. 17; Bob Becker in chats about dogs will be heard Sundays beginning Oct. 1 for John Morrell Co.; Sherwin Williams Co. will sponsor the Metropolitan Opera "Auditions" Sundays starting Oct. 1; Mars Co. sponsor "Dr. I. Q," starting Aug. 28.

Winchell, Boyer Return

Andrew Jergens will return the Charles Boyer and Walter Winchell series starting Oct. 1; Miles Laboratories will resume "Barn Dance" Sept. 30; George Washington Coffee will return "Uncle Jim's Question Bee" Sept. 23; Quaker Oats will sponsor "Dick Tracy" beginning Oct. 7; Standard Brands will resume "Getting the Most Out of Life" Oct. 2; Pacific Borax Co. will sponsor "Death Valley Days," effective Sept. 29.

NBC Training Course

A new plan for filling in ranks in the artist management field has been formulated at NBC by George Engles, network vice-president in charge of the Artists Bureau and president of Civic Concerts Service. According to the plan, NBC will set up a training course for company employees. Ten candidates for the course will be selected from recommendations by department managers.

A UNIVERSAL PICTURE

IRENE DUNNE AND CHARLES BOYER

IN "WHEN TOMORROW COMES" GAVE

THE RIVOLI THEATRE, NEW YORK,

THE BIGGEST OPENING IT HAS HAD

IN THREE YEARS. THROUGHOUT THE

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First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 38 NEW YORK, THURSDAY, AUGUST 24, 1939 TEN CENTS

U.S. Creates New Group to Aid Business

Commerce Dep't Unit Not To Study Films

WASHINGTON, Aug. 23.—Establishment of a new Commerce Department activity, to be known as the Industrial Economic Division, to undertake to aid industries to solve their problems along the lines already experimentally tried out in the film, oil and fertilizer fields, was announced today by Secretary Harry L. Hopkins.

It was indicated, however, that the new group would not take over the motion picture study now in the hands of Dr. Willard L. Thorpe, Ernest A. Tupper and Nathan D. Golden.

Funds for the new organization were provided by Congress shortly before adjournment of the session, and a number of men expert in various fields of commerce and industry already have been appointed.

The Industrial Economics Division, which will report only to Secretary Hopkins, will be vested with responsibility to bring improvement in those fields where business progress is being retarded. While the division probably will take up the problems of any industries which in the future may ask for departmental aid, it is understood no change will be made with respect to the film negotiations because of the fact that the three men in charge of that work have become fully conversant with conditions in the industry and shortly will begin the development of proposals for dealing with major problems.

'Under-Pup' Train To Scranton Today

Approximately 100 film critics and executives will leave New York by special train this morning for Scranton, where, as guests of Universal, they will attend the premiere tonight of "The Under-Pup," in which Gloria Jean, 11-year-old Scranton girl, is featured.

A special two-day program has been arranged for the preview party which is scheduled to be welcomed by a crowd of about 25,000 on arriving in Scranton at 1:00 P.M. The program includes a parade to city hall, welcome by Mayor Fred J. Huester, and a musical program with the Scranton Philharmonic Orchestra featured.

(*Continued on page 7*)

Eve of War

London, Aug. 23.—All British film houses are included in the official blackout instructions issued by the British Government this evening.

It is compulsory to extinguish all exterior lighting and neon signs from dusk tomorrow. All London theatres undertook a voluntary blackout tonight.

Writers Assail Producers at NLRB Hearing

HOLLYWOOD, Aug. 23.—Screen Writers Guild members today paraded before J. J. Fitzpatrick, trial examiner of the N. L. R. B., and in their testimony linked major producers to the campaign in 1936 to prevent the Guild from affiliating with the Authors League of America.

That production heads sent letters opposing Guild affiliation and described the Guild's leadership as "radical and communistic" was the gist of testimony by Charles Brackett, SWG president, Wells Root, Stephen Morehouse Avery, George Seton, Tess Slesinger, Richard Maibaum, Luci Ward, George Bricker, Melville Baker, Julius Epstein, Peter Milne and Abem Finkel.

Charles R. Rogers, formerly Universal vice-president, testified.

WARNERS SET UP OWN TRADE CODE

Tucker, Equity Seek Peace But Hope Is Absent

Sophie Tucker, president of American Federation of Actors, proposed to Actors Equity in a formal letter last night that committees from the A.F.A. and Equity meet to discuss peace proposals in the jurisdictional dispute between Associated Actors and Artistes of America and the I.A.T.S.E. Nevertheless there was little indication that the warring factions were any nearer agreement than they have been in the past few months.

Miss Tucker's proposal was contained in a letter to Paul Dullzell, Equity executive secretary, in which she reiterated her refusal to appear before the Equity council today to answer charges of "treason" which have been preferred against her. At the same time, Harry Richman, A.F.A. vice-president, stated that he had had "no definite plan to offer" when he asked for an adjournment from the

(*Continued on page 3*)

Expect Other Companies To Follow Lead with Similar Policies

By SAM SHAIN

Warner Bros. has decided to go ahead with its 1939-'40 sales plans, setting up its own reforms, regardless of the code situation. It is the first company to set up such a policy. Other companies are expected to follow the W. B. lead, with similar policies.



Gradwell Sears

In setting up the new policy, Warner Bros. executives were actuated by the present confusion and divergence of opinion regarding reforms and the code now existing in the trade.

This new and clarified Warner Bros. distribution policy has no tie-in with the code although embodied in the new W. B. sales policy are reforms which were to have been included under the code.

Under the new merchandising policy, Warner Bros. intends to allow 20 per cent and 10 per cent cancellation privileges and conduct certain test-run showings to determine the price of certain pictures.

Recording charges are out. Arbitration is in for whosoever wants it.

This new Warner Bros. plan embodies a 12-point policy and it is clearly set forth in a statement which was issued last night by Gradwell Sears, sales chief, and president of

(*Continued on page 3*)

Brooklyn Wants a Picture Premiere of Its Very Own

Brooklyn, that borough of more than 2,000,000 souls, which has long been the butt of Manhattanites' humor, has decided it wants to get itself on the map. They've abandoned hope of ever having the Dodgers do that for them and the Brooklyn Young Men's Chamber of Commerce has decided to turn to the film industry for aid and comfort.

Shocked when he learned from his research group that Brooklyn has NEVER had a world's premiere, John L. Hansen, banker president of the Chamber, broached the matter to several major companies. He offered real inducements, too. He promised a parade through Flatbush with a detachment of the U. S. Army from Fort Hamilton participating, and society leaders, political bigwigs and industrial tycoons at hand for the opening. Everything, in short, that Manhattan offers and then some.

Only hitch seems to be that there must be some reason for staging a world premiere in Brooklyn. Even Hansen concedes that. He says that the film must have its locale there, or at least a Brooklyn star. It seems that Samuel Goldwyn offices offered to open "The Real Glory" there but Hansen suggested that Manila would be more appropriate. Brooklynites with civic pride are not easy to satisfy, it would appear.

From a national publicity standpoint. Hansen points out, cooperation could be obtained from the 150,000 members of Junior Chambers of Commerce throughout the country. It goes without saying that Brooklyn newspapers and radio stations would help. Anyway, until Brooklyn gets its premiere we're here to advise that Brooklyn is that place across the river where they have that funny baseball team.

Sidney Howard Dies In Farm Accident

Sidney Howard, film and stage playwright, was killed at his summer home at Tyringham, Mass., yesterday when a tractor he was cranking started up and crushed him beneath the wheels. He was 48 years old.

Howard wrote many Broadway hits, including the 1925 Pulitizer Prize play "They Knew What They Wanted." He was at various times under contract to Samuel Goldwyn, RKO and Universal. He wrote the screen play and dramatization of "Dodsworth." He was a native of Oakland, Calif.

See No Hope To Alter Film Act This Year

LONDON, Aug. 23.—The meeting of Parliament in emergency session tomorrow removes all possibility of legislation to amend the Films Act this year.

The Board of Trade currently is overwhelmed with emergency work, and will make no move as yet in the direction of promised amendments, notably the alteration of the terms of the multiple quota clauses.

The Cinematograph Exhibitors Association and Kinematograph Renters' Society (distributors) War Office committee are considering the practicability and procedure involved in film houses for Militia camps. The committee will meet tomorrow for further conideration of the problem.

Gartner to Studio

Charles Gartner, foreign publicity manager for Paramount, has been assigned to the studio publicity staff under Terry De Lapp and leaves Sept. 8. Paramount gave a luncheon to the foreign trade press at the Astor yesterday to introduce George Frazer, who will succeed Gartner.

Quigley Back from Tour

Martin Quigley returned from Europe last Friday following a two-month visit abroad, during which he studied motion picture conditions in England, Ireland, France, Italy and Spain.



★

UNITED...

THE DISTINGUISHED WAY TO LOS ANGELES

Overnight to the coast. Luxurious Mainliner sleepers—the "Continental" leaving New York 5:45 pm, and the "Overland Flyer" leaving New York 9:45 pm. Finest meals aloft. Call travel agents, hotels, or

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Purely Personal

WILLIAM F. RODGERS, general sales manager of M-G-M, plans to leave Chicago today for the studio where he will look over completed product. EDWARD AARON, his assistant, returns from Chicago Monday after winding up circuit deals.

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LOU PHILLIPS of the Paramount legal department is in Chicago on business.

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HERMAN FINKELSTEIN of the Schwartz & Frohlich law firm will leave tomorrow on a vacation cruise with his family. He will be away until after Labor Day.

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CHARLES SCHWARTZ is expected back from Hollywood early next week.

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JULIO ELIAS, distributor of Barcelona, sailed last night on the *Vulcania* after closing an Educational-Grand National deal. He took 10 prints with him.

•

JACK MOFFITT, critic of the *Kansas City Star*, was in town yesterday en route to Scranton for the Universal party. He and LEO J. MCCARTHY, formerly with Fox Midwest Theatres, had an accidental reunion in front of the RKO Building yesterday.

•

RUSSELL MUTH, CONSTANCE BENNETT, SONJA HENIE, GEORGE RAFT and LEE SHUBERT are among the passengers on the *Normandie*, which left England yesterday and is due in New York on Monday.

•

DAVE WHALEN, Republic's exploitation manager, flew to Buffalo last night to handle the opening of "In Old Monterey" at the 20th Century.

•

CLARENCE SHAPIRO, M-G-M talent scout in Chicago, has written a play, 'Pandora's Last Box," which will be presented at the Women's Club Theatre there, Sept. 15-17. RICHARD SUTHERLAND is directing local talent.

•

WALLACE WALTHALL of National Screen Service, Dallas, in Oklahoma City this week on business.

•

DEE FULLER, manager of the Circle Theatre, Oklahoma City, is spending his two-week vacation motoring to California in a newly purchased car.

•

EDGAR ALLAN POE, great grandnephew of the famous writer, has been signed by Warners as technical adviser on "The Life of Edgar Allan Poe," shortly to go into production.

•

GERALDINE FITZGERALD, who has been on vacation in Ireland since Spring, will return Sept. 1, to attend the opening shortly thereafter of her Warner film, "A Child Is Born."

•

RITA JOHNSON has been signed to a long term player contract by M-G-M.

SOL LESSER, producing for United Artists, will arrive in New York from Hollywood tomorrow for a vacation in the east and to confer with THORNTON WILDER, whose play, "Our Town," will be produced for the screen by LESSER. The producer also will motor through New England to select sites for backgrounds in the filming of the picture.

•

C. W. CLARK, branch manager; GEORGE FRIEDEL, head booker; MARION OSBORNE and GRADY JAMES, salesmen, of the 20th Century-Fox exchange in Oklahoma City, will leave Aug. 30 for Kansas City to attend the middlewest district meeting of the S. R. Kent sales drive.

•

WILL H. HAYS may return to the coast within the next few days.

•

E. B. COLEMAN, M-G-M exploitation man, is in Oklahoma City, working on preparations for "The Wizard of Oz," opening at the Criterion next week.

•

JOHN BARCROFT, director of publicity for the Columbus, O., RKO theatres, is in town. He will sail on the *Roma* for a two-week Caribbean cruise.

•

MAUREEN O'SULLIVAN sailed yesterday on the *Queen Mary* for England to appear in M-G-M's "Busman's Holiday" with ROBERT MONTGOMERY. She is accompanied by her sister, SHEILA.

•

OSCAR HOMOLKA, screen player, sailed yesterday for a vacation in Europe with his wife.

MR. and MRS. L. C. TIDBALL, Isis, Ft. Worth; SIDNEY SCHATZ, Sheridan, North Chicago, Ill.; TOM NORMAN, Pal, Palatine, Ill.; H. C. ORR, Orr Circuit, Coventry, England; MR. and MRS. J. K. BUCKNER, Palace, Grapevine, Tex.; K. B. RADER, Arcade, Newark, Ohio; RUSSELL MASTERS, manager of the Diamond, Bowling Green, Ky.; A. E. DIEHL, Criterion, St. Louis; S. W. NEALL of the Indiana, Kokomo, Ind.; MR. and MRS. J. C. CHATMAS of the Palace and Strand, Marlin, Tex.; MR. and MRS. H. C. VALENTINE, director of advertising for the Wilder Theatres, Norfolk, Va.; MR. and MRS. H. G. BARBEE, JR. of the Lichtman, Norfolk, Va.; NATHAN SANDLER, Northwood, Northwood, Ia.; MRS. GARSON SOLOWAY of the Paramount and Bloordale, Toronto, among recent visitors to New York and the World's Fair.

•

BING MILLER, Columbia booker in Des Moines, leaves on a vacation this weekend, to be spent at his former home in Cleveland.

•

P. T. DANA, Universal district manager, visited Des Moines this week from his headquarters in Kansas City.

•

WILLIAM SCULLY, HARRY KALMINE, SIDNEY PHILLIPS, BEN WASHER, ETHEL EDELL, lunching at Nick's Hunting Room in the Astor yesterday.

•

VERA ZORINA, following completion of her role on the coast in Warners' "On Your Toes," will arrive in New York this morning. She will join her husband, GEORGE BALANCHINE, and the couple will sail shortly for a European vacation.

•

JAMES CAGNEY will come east for a month's vacation, on the completion of his work in Warners' "The Roaring Twenties."

•

LAURENCE OLIVIER left New York for Hollywood yesterday to play the leading masculine role in DAVID O. SELZNICK'S "Rebecca," for United Artists release. He arrived from Europe on Tuesday.

•

TONY MARTIN, HARRY RICHMAN and LOU HOLTZ at the ball game at the Polo Grounds yesterday.

•

CURTIS COOKSEY will play the leading role in "Midwest" next week at the Starlight Theatre, Pawling, N. Y.

8 FLIGHTS A DAY TO CHICAGO

2 NON-STOPS

4:00 P.M...5:30 P.M.

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MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Trade Code Is Offered By Warners

(*Continued from page* 1)

Vitagraph, distributing end of the company.

The statement, which speaks for itself, follows:

"1. We announced on March 14, 1939, that we would release 48 feature pictures, 104 short subjects and 48 trailers. We also stated that 'Quality is not a Passing Fashion.' Our production performance since this date and the pictures finished and available for release justify that statement.

"2. An exhibitor who licenses all feature motion pictures offered shall have the right, if he be not in default, to eliminate proportionately among the several price brackets, 20 per cent of the total number of features licensed, if the average of the license fees for all features shall not exceed $100, and 10 per cent if such average is in excess of $100.

"3. We confirm our policy of long standing of allowing an exhibitor to eliminate any feature which may be locally offensive on moral, religious or racial grounds.

"4. We expect all top bracket pictures to be played on preferred playing time.

"5. We will license a run designated by us of our features in any situation to any exhibitor of good reputation as a theatre operator and customer, whose theatre is in good condition and who operates under a policy which will not substantially reduce our revenue from any other run, provided such exhibitor and we can agree upon the number of features to be licensed, and other terms and conditions.

"6. We confirm our policy of long standing and our intent to continue to license our pictures to our regular customers who prove to be satisfactory.

"7. No exhibitor will be required to license short subjects, trailers or re-issues as a condition of licensing features.

"8. No recording charge will be made in connection with the licensing of any of our feature pictures.

"9. To assist in the booking problems of our customers, and for the mutual benefit of our customers and ourselves, it is our intention to hold a number of test exhibitions of pictures in order fairly to establish their proper price bracket allocation, and we will allocate features to particular price brackets not later than 14 days after the national release date thereof to first run exhibitors in those cities which we may use as 'Test Cities' and to all others, on giving notice of the availability of each feature.

"10. We have never at any time coerced or intimidated any exhibitor to license our pictures by threatening to build or otherwise acquire a competing theatre, and we will never do so. It is our belief that the quality of our pictures and the high standard of our production create a demand for our pictures.

"11. For over five years it has been our policy to arbitrate with any customer desiring so to do, all claims and controversies which may arise under our license agreements and our form of license agreement contained an optional arbitration provision. We will continue to give to each of our customers the option to arbitrate all such claims and controversies.

"12. Clearance is an absolute necessity in the conduct of our business and we therefore intend to continue our policy to negotiate with each of our customers for clearance reasonable as to time and area.

"This policy will apply for the motion picture season of 1939-'40 and to all license agreements covering the 1939-'40 product made after January 1, 1939."

Chicago Showmen Priming For the American Legion

By WILLIAM F. CROUCH

CHICAGO, Aug. 23.—Chicago theatremen, especially those in the Loop, are looking ahead for special attractions during the American Legion convention, which opens here Sept. 25. The local committee in charge of the convention says that 225,000 legionaries and their families will be present for this annual meeting.

Chicago theatres, neighborhood houses especially, are taking it on the chin of late with the number of competitive attractions that have been offered by outsiders.

Last week night baseball at Comiskey Park in the first of a number of night games here drew 94,000 persons to see the first two games. This week the New York Yankees will play the White Sox here under lights and the result probably will be greater attendance. Saturday night of last week the 10th Annual Chicago Musical Festival was held in Soldiers Field. Sponsored by the *Chicago Tribune*, the affair attracted a crowd of 91,000 and more than 15,000, it is estimated, were turned away.

This week Lawrence Tibbett appears in a free concert at Grant Park and it is thought that he will equal if not break the record set a few weeks ago by Lily Pons for attendance at one of these affairs which are held nightly. Miss Pons and Andre Kostalanetz drew a record 330,000 to the open air musical held on Chicago's lake front.

Last Sunday the *Chicago Times* staged its annual bicycle day and more than 50,000 persons jammed Garfield Park to see the free show, which had 1,000 contestants.

This coming week the All-Star football game is scheduled and 90,000 are expected to jam Soldiers Field. Theatremen are beginning to wish business men would stay out of the show business.

The suilt filed by the Fannie Brice against 20th Century-Fox and a number of Chicago exhibitors will be tried in Federal Court here. Superior Judge Charles A. Williams has ordered the transfer of the suit from Superior to Federal Court because the film company is not an Illinois corporation. Spitz & Adcock are representing Miss Brice.

Opening of the Telenews Theatre at Randolph and State Sts. is scheduled for the last of October. The theatre will be Chicago's first newsreel theatre. Dave Dubin is supervising the new enterprise.

Henri Elman is back from Hollywood after several weeks of conferences with Monogram officials and other production executives. While in Hollywood Elman made arrangements for new independent product for his Capitol Film exchange.

Veloz and Yolanda open a week's engagement at the Chicago Friday. The dance team will appear at the B. & K. house only one week, as they open a Fall engagement in London early in September.

The Grant Advertising Agency and NBC are elated over the failure of City Corporation Counsel officials to establish the radio show "Dr. I. Q." as a lottery. The ruling handed down by Master-in-Chancery Daniel Covelli will give the radio show a clean bill of health in other cities where it is booked, they believe. Final performance of the show here was Monday night at the Chicago Theatre. Next week it will be presented from the Stanley Theatre in Pittsburgh.

Prize winners at the Theatre Managers and Bookers Golf Tournament at Bon-Air Country Club last week were Sid Yates, Leo Miller, Billy Diamond, Dave Balaban, Ben Feldman, Charles Ryan, Ben Cohn and Sam Roberts. Jack Kalcheim of the William Morris office here was in charge of the affair.

"Golden Boy" will be the Labor Day week offering at the Chicago Theatre. A special stage attraction is being sought for the week.

Universal held a special trade showing of "The Under-Pup" at the Esquire Tuesday morning. More than 1,100 Illinois and out-of-state exhibitors were invited to see the picture.

Emergency Budget Set Up by Universal

An additional emergency budget of more than $200,000 has been established by Universal to insure completion and delivery on time of "Destry Rides Again" and "Green Hell," the company stated yesterday. The two pictures are the last to be scheduled for release during the current Exhibitor-Sponsored Testimonial drive.

The pictures are scheduled for release Oct. 27 and Oct. 20 respectively.

Berman Has No Plans

HOLLYWOOD, Aug. 23.—Pandro S. Berman said today he has no production plans beyond finishing up current work at RKO which will take until November or December, following which he plans a long vacation. He may make a South American trip.

Tucker, Equity Seek Peace But Hope Is Absent

(*Continued from page* 1)

council Tuesday to work out an "honorable settlement."

Meanwhile, the A.F.A. appeared ready to reap the first fruits of its affiliation with the I.A. Pickets who have been parading before the Ripley Odditorium were called off yesterday and the union started negotiations with the management. Officials of the Stagehands Union, Local 1, were present at the negotiations last night and it was understood that the stagehands might threaten a sympathy strike if A.F.A. terms were not met.

Dullzell, in his letter to Miss Tucker, pointed out that her trial had been postponed until today "at the request of Mr. Harry Richman who stated that he was anxious to 'help bring about an amicable, honorable adjustment of all our present difficulties' and which we would like to assure you is shared in by all of us. May we therefore urge you to reconsider your decision not to appear before the council and you have our assurance that there will be no lawyers present at this hearing as the policy of Equity does not allow even the association's attorneys to participate in matters of this kind."

Miss Tucker's Reply

Miss Tucker replied:

"Your actions having been guided by your counsel, I see why you do not require him to be present. My future being at stake, I will not appear unless I am afforded the right to have counsel. I am always for peace and would be very glad to appoint a committee of the A.F.A. to meet with your committee to discuss peace. No charges were ever made against me personally. All charges arise out of my connection with the A.F.A. Be assured that we will be very glad to discuss a peaceful solution."

Richman made it clear that he was still with the A.F.A. He said that he was acting as an individual when he suggested that peace might be accomplished, and that he was trying to get "Equity to induce the 4-A to adopt a more reasonable attitude." Richman said he regarded the differences as very slight and could not see why the parties could not get together.

The A.F.A. council "commended" Richman for his efforts but they did not share his optimistic views. The principal bone of contention—the continuance in office of Ralph Whitehead, executive secretary — continues as a major obstacle to peace.

Despite Miss Tucker's refusal to appear before the Equity Council to answer charges, Richman declared that he will make his appearance. However, as he has an engagement out of town on Tuesday, he will request an adjournment.

Goldwyn Appeases

HOLLYWOOD, Aug. 23.—Samuel Goldwyn today cabled President Manuel Quezon of the Philippines that, following further conferences with Resident Commissioner Elizalde, scenes in "The Real Glory" complained of as reflecting on the courage of the Philippine soldiers will be changed.

THE MERCHAN

FOR WARNER BROS

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DISING POLICY

1939-40 SEASON

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Gradwell L. Sears

President, VITAGRAPH, INC.

Distributor of Warner Bros. and First National Feature Pictures and Vitaphone Short Subjects

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
July 21	Blondie Takes a Vacation (G) (C) The Man from Sundown	Andy Hardy Gets Spring Fever *Rooney Lewis Stone*		Magnificent Fraud *Akim Tamiroff Lloyd Nolan* (A) (D)		Way Down South *Bobby Breen Alan Mowbray*	News Is Made at Night *Preston Foster* Ware Case *Clive Brook*		I Stole a Million *George Raft Claire Trevor* (G) (D)	Daughters Courageous *John Garfield Priscilla Lane* (G) (D)
July 28	Behind Prison Gates *Brian Donlevy Jacqueline Wells*	Goodbye, Mr. Chips *Robert Donat* (G) (D)	Irish Luck *Frankie Darro*	Island of Lost Men *Anna May Wong Truex* (G) (D)	Should Husbands Work? *Three Gleasons*	The Spellbinder *Lee Tracy Barbara Read* (G) (D)	Frontier Marshal *Randolph Scott Binnie Barnes* (O)	Winter Carnival *Ann Sheridan Richard Carlson* (G) (C)		Cowboy Quarterback *Bert Wheeler Marie Wilson Gloria Dickson*
Aug. 4	Coast Guard *Randolph Scott Ralph Bellamy Frances Dee*	Miracles for Sale *Robert Young Florence Rice* (G) (D)	Mr. Wong in Chinatown *Boris Karloff* (G) (D)	Night Work *Mary Boland Charlie Ruggles* (G) (C)	Colorado Sunset (O) *Gene Autry Smiley Burnette*	Bachelor Mother *Ginger Rogers David Niven* (A) (C)	Elsa Maxwell's Hotel for Women *Ann Sothern*	Four Feathers *Ralph Richardson Aubrey Smith* (G) (D)		Indianapolis Speedway *Ann Sheridan Pat O'Brien* (G) (D)
Aug. 11		Lady of the Tropics *Hedy Lamarr Robert Taylor* (G) (D)		Our Leading Citizen *Bob Burns Susan Hayward* (G) (D)	New Frontier (O) *John Wayne Ray Corrigan*	Bad Lands *Robert Barrat Noah Beery, Jr.*	Chicken Wagon Family *Jane Withers Leo Carrillo Marjorie Weaver*	Man in the Iron Mask *Joan Bennett Louis Hayward* (G) (D)	When Tomorrow Comes *Charles Boyer Irene Dunne* (G) (D)	Playing with Dynamite *Jane Wyman Allen Jenkins*
Aug. 18	The Man They Could Not Hang *Boris Karloff Roger Pryor*	These Glamour Girls *Lew Ayres Lana Turner Tom Brown*	Riders of the Frontier *Tex Ritter* (O)	This Man Is News *Barry K. Barnes* Renegade Trail	In Old Monterey (O) *Gene Autry Smiley Burnette*	In Name Only *Carole Lombard Cary Grant Kay Francis* (G) (D)	Stanley and Livingstone *Spencer Tracy Nancy Kelly* (G) (D)	They Shall Have Music *Jascha Heifetz Andrea Leeds* (G) (D)		Each Dawn I Die *James Cagney George Raft* (G) (D)
Aug. 25	Five Little Peppers and How They Grew Riders of Black River	Wizard of Oz *Judy Garland Frank Morgan Bert Lahr* (G) (C)	Oklahoma Terror (O) *Jack Randall*	Star Maker *Bing Crosby Louise Campbell*	Smuggled Cargo *Rochelle Hudson Barry MacKay*		Jones Family in Quick Millions *Jed Prouty* (G) (C)			The Angels Wash Their Faces *Dead End Kids* Hobby Family *Irene Rich*
Sept. 1	Konga the Wild Stallion *Fred Stone Rochelle Hudson*	The Women *Norma Shearer Joan Crawford Rosalind Russell*		Death of a Champion *Lynne Overman Robert Paige*	Flight at Midnight *Phil Regan* Wall Street Cowboy (O) *George Hayes*	Nurse Edith Cavell *Anna Neagle Edna May Oliver* (G) (D)	Adventures of Sherlock Holmes *Basil Rathbone Ida Lupino*		The Underpup *Nan Grey* Mutiny on the Blackhawk *Richard Arlen* (G) (D)	The Old Maid *Bette Davis Miriam Hopkins* (G) (D)
Sept. 8	Golden Boy *Stanwyck* (G) (D) Hidden Power *Jack Holt*	Henry Goes Arizona *Frank Morgan Ann Morriss*		Television Spy *William Henry Judith Barrett*		Conspiracy *Allan Lane* Fighting Gringo *George O'Brien*	Charlie Chan at Treasure Island *Sidney Toler* (G) (D)		Bad Company *Jackie Cooper Freddie Bartholomew* Desperate Trails (O)	Nancy Drew and the Hidden Staircase *Bonita Granville Frankie Thomas*
Sept. 15	Outpost of the Mounties *Charles Starrett Iris Meredith*	Dancing Co-ed *Lana Turner Richard Carlson*	Sky Patrol *John Trent Jackie Coogan*	Beau Geste *Gary Cooper Ray Milland* (G) (D)		The Day the Bookies Wept *Joe Penner Betty Grable*	The Rains Came *Myrna Loy Tyrone Power George Brent*	Intermezzo *Leslie Howard Ingrid Bergman*	Hawaiian Nights *Johnny Downs Mary Carlisle* (G) (C)	Dust Be My Destiny *John Garfield Priscilla Lane* (G) (D)
Sept. 22	Prison Surgeon *Walter Connolly Iris Meredith*	Thunder Afloat *Wallace Beery Chester Morris*		$1,000 a Touchdown *Joe E. Brown Martha Raye*		Fifth Avenue Girl *Ginger Rogers James Ellison* (A) (C)	Stop, Look and Love *Jean Rogers William Frawley*		Rio *Sigrid Gurie Basil Rathbone Robert Cummi*	No Place to Go *Fred Stone Gloria Dickson*

Paramount Pictures

Book these PARAMOUNT SHORTS when you book your features!

AUGUST 25 — Paramount Paragraphic — BREAKING THE NEWS

SEPTEMBER 1 — Grantland Rice Sportlight — HYDRO-MANIACS

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SEPTEMBER 8 — Paramount Headliner — ARTIE SHAW'S CLASS IN SWING

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Critics Go To Scranton For Preview

(Continued from page 1)

Special events will also precede the premiere at the Comerford Strand.

Following the performance there will be a buffet supper and entertainment at the Casey Hotel. Tomorrow, Gloria Jean will be hostess to 10,000 youngsters at an ice cream party. The critics will entrain for New York in the afternoon.

Invitations to attend the premiere have been accepted by the following: C. R. Roseberry, *Knickerbocker Press* and Edgar Van Olinda, *Times Union*, Albany; Dudley Glass, *Atlanta Georgian;* Louis Azrael and Norman Clark, *Baltimore News-Post;* Marjorie Adams and Charles Howard, *Boston Globe;* Prunella Hall, *Boston Post;* Joyce Dana, *Boston Record;* Helen Eager, *Boston Traveler;* Peggy Doyle, *Boston American;* James Hague, *Bridgeport Times-Star;* Dorothy Day, *Chicago Herald and Examiner;* Dorothy Deere, *Chicago Evening American;* Doris Arden, *Chicago Daily Times.*

Also Stan Kohn and R. B. Radcliff, *Cincinnati Enquirer;* E. V. Dinnerman, *Cincinnati Post*; Gordon Davis, *Cleveland Press;* Eddie Bar, *Dallas Dispatch Journal;* Fairfax Nisbet, *Dallas Morning News;* Jimmy Lovell, *Dallas Times Herald;* James S. Pooler, *Detroit Free Press;* Al Weitschat, *Detroit News;* Jane Schermerhorn, *Detroit Morning News;* Ralph Wallis, *Harrisburg Patriot and News;* Ed Smith and Robert Sidman, *Harrisburg Telegraph.*

Julian B. Tuthill, *Hartford Times;* Herbert Kenny, *Indianapolis News;* Henry Morrison, Jr., *Indianapolis Times;* John C. Moffitt, *Kansas City Star;* A. A. Daugherty, *Louisville Times;* Boyd Martin, *Louisville Courier-Journal;* Harry Martin, *Memphis Commercial Appeal;* Hugh Frank Smith, *Memphis Press-Scimitar;* Elizabeth Hempel, *Miami Herald;* Buck Herzog, *Milwaukee Sentinel;* Pete Dailey, *New Orleans Item;* Keith Wilson, *Omaha World-Herald;* Roly Young, *Toronto Globe and Mail.*

The following fan magazine editors have accepted: Miss Llewellyn Miller, *Hollywood Magazine;* Lester Grady, *Silver Screen;* May C. Kelley, *Movies;* Elizabeth Lockwood, *Movie Life;* Wade Nichols, *Screen Guide;* and Frederic James Smith, *Liberty.*

From the trade press the following will be present: Sam Shain, MOTION PICTURE DAILY; A. Mike Vogel and James Cunningham, *Motion Picture Herald;* Leonard Weisberg, *Boxoffice;* Bob Wile and Ralph Cokain, *Showmen's Trade Review;* Jack Harrower, *Film Daily;* Jack Harrison, *Hollywood Reporter;* Lew Mentlik, *Jay Emanuel Publications;* Mo Wax *Film Bulletin.*

A full contingent of New York newspaper representatives will also be present in addition to the following Universal home office executives: Matthew Fox, William A. Scully, F. J. A. McCarthy, Joseph Seidelman, Anthony Petti, Lou Pollock, Hank Linet, Andy Sharick, James Jordan, Marion Orford, Morris Alin and Fortunat Baronat, who will head a group of foreign newspaper representatives.

Feature Previews

"What Would You Do Chums?"

(British National-Anglo American)

LONDON, Aug. 23.—With a star whose brilliance, long shining elsewhere, has only recently been observed in the heavens of British radio, and a subject and background designed deliberately to exploit the appeal of the program in which he has built new popularity, this modest but homely story of London lowlife starts from scratch with much in its box office favor. Even the title is derived from the catch phrase of Syd Walker's "Band Waggon" act, and the role he fulfils is the same, that of the "Junk Man Philosopher."

Walker's throaty Cockney character is set into a plebian piece about a junk man and his pretty if unofficial ward, and her love for a no-good boy who consorts with forgers and pin table promoters. The story unrolls easily and with a back street and market flavor clinging to it tells how Syd does his best to guard the girl against the gangster. In the climax the Junk Man, philosophing with himself, refuses to tell an easy lie in court, and lets the boy go to jail rather than crash the girl's life.

The market backchat and banter is the real Cockney thing. Wally Patch and Jack Barty, noted Cockney comics, help the realism, but all the meaty moments and situations are handed to Walker, whose benignly beaming personality will present an irresistible character to fans.

Though the type of humor and the regional dialect will restrict the film's appeal outside these waters, it is likely to find its way into the popular programs here without any difficulties or apologies.

Running time, 75 minutes. "A."* AUBREY FLANAGAN

*"A" denotes adult classification.

"Conspiracy"

(RKO)

HOLLYWOOD, Aug. 23.—Tall, dark and handsome Allan Lane, personable Linda Hayes, gruff Robert Barrat, glib Charley Foy and an extensive array of bit players are here engaged for 58 minutes in scurrying through a series of captures and escapes, threatening situations and a rain of bad marksmanship for no reason ever clarified for the customers. A Hollywood preview audience gave up trying to figure out what it was all about and extracted a modicum of amusement out of laughing at the villains.

The melodramatics occur in an unidentified country dominated by secret police in uniform who seem intent on killing a young American radio operator, for no reason that he or the audience can discover, and the various persons with whom he comes in contact. Just what the conspiracy of the title may be is left a mystery.

The production is by Cliff Reid, direction by Lew Landers, screenplay by Jerome Chodorov from a story by John McCarthy and Faith Thomas.

Running time, 58 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

Women's Clubs Aid Films' Anniversary

The N. Y. State Federation of Women's Clubs is cooperating with the industry committee in observance of the motion picture's 50th anniversary. Detailed plans for the participation of individual units of the federation were sent to local chairmen of its Motion Picture Department yesterday by Mrs. Malcolm Parker MacCoy, state chairman.

Mrs. MacCoy suggested to the local chairmen that they call together all agencies in their communities which have an active motion picture program such as women's clubs, Y. M. C. A.'s, Y. W. C. A.'s, Boy Scouts, Girl Scouts and representatives of schools and public libraries. In addition, a two-page outline of practical projects takes in library, school, radio and newspaper cooperation.

The week of Oct. 1 to 7 is to be observed as 50th Anniversary Week with a single luncheon, dinner or mass meeting, or a series of such meetings under the sponsorship of local organization.

Kent Drive Swing To Start in L. A.

Second series of branch meetings for the S. R. Kent sales drive for 20th Century-Fox will start at Los Angeles today with Herman Wobber, general sales manager, and M. A. Levy, Minneapolis district manager and drive leader, conducting the rally.

The meetings will wind up at the New York exchange Sept. 19. Division and district managers will accompany Levy on his swing around the country. Wobber will attend the sessions also at San Francisco, Portland, Salt Lake City and Denver, then will come east, due here Sept. 5.

William J. Kupper, western division head, will join Levy at Denver, and Division Managers W. C. Gehring and William Sussman will accompany him in the central and eastern sections, respectively. Meetings will be attended by sales staffs, bookers and ad sales managers, with staffs from two to four exchanges present.

'Wizard' Big Los Angeles Hit, $38,000

LOS ANGELES, Aug. 23.—"The Wizard of Oz" took the town, with a combined gross of $38,000 at two houses, $20,900 at the Chinese and $17,100 at Loew's State. "Four Feathers" drew a strong $8,500 at the 4 Star. "When Tomorrow Comes" and "Unexpected Father" continued its smart pace in the second week at the Hillstreet and Pantages, grossing $27,400 at both spots.

Estimated takings for the week ending Aug. 23:

"The Wizard of Oz" (M-G-M)
CHINESE — (2,500) (30c-$1.00) 7 days. Gross: $20,900. (Average, $12,500)
"Four Feathers" (U. A.)
4 STAR—(900) (40c-50c) 7 days. Gross: $8,500. (Average, $3,250)
"When Tomorrow Comes" (Univ.)
"Unexpected Father" (Univ.)
HILLSTREET—(2,700) (30c-65c) 7 days, 2nd week. Gross: $13,500. (Average, $6,500)
"The Wizard of Oz" (M-G-M)
LOEW'S STATE—(2,500) (30c-$1.00) 7 days. Gross: $17,100. (Average, $14,000)
"When Tomorrow Comes" (Univ.)
"Unexpected Father" (Univ.)
PANTAGES—(3,000) (30c-65c) 7 days, 2nd week. Gross: $13,900. (Average, $7,000)
"Island of Lost Men" (Para.)
"Night Work" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Gross: $5,000. (Average, $18,000)
"They Shall Have Music" (U. A.)
"The Cowboy Quarterback" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days. Gross: $9,900. (Average, $14,000)
"They Shall Have Music" (U. A.)
"The Cowboy Quarterback" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days. Gross: $9,700. (Average, $12,000)

'Mask' at $4,900; Oklahoma City Dull

OKLAHOMA CITY, Aug. 23.—"The Man in the Iron Mask" drew $4,900 at the Criterion in a week of generally poor grosses, although thunder showers brought some slight relief from the heat. "Andy Hardy Gets Spring Fever" took $1,600 in the second week at the Plaza.

Estimated takings for the week ending Aug. 17:

"The Man in the Iron Mask" (U. A.)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $4,900. (Average, $5,200)
"The Magnificent Fraud" (Para.)
"Million Dollar Legs" (Para.)
LIBERTY—(1,200) (15c-20c-25c) 4 days. Gross: $1,800 (Average, $1,800)
"Night Work" (Para.)
"Bulldog Drummond's Bride" (Para.)
LIBERTY—(1,200) (15c-20c-25c) 3 days. Gross: $700. (Average, $700).
"Our Leading Citizens" (Para.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $3,800. (Average, $4,200)
"Andy Hardy Gets Spring Fever" (M-G-M)
PLAZA—(750) (25c-30c-35c) 7 days, 2nd week. Gross: $1,600. (Average, $1,100)
"Frontier Pony Express" (Rep.) (3 days)
"My Wife's Relatives" (Rep.) (3 days)
"Blind Alley" (Col.) (4 days)
"Stunt Pilot" (Mono.) (4 days)
STATE — (1,100) (15c-20c-25c) 7 days. Gross: $2,300. (Average, $2,500)
"Bridal Suite" (20th-Fox)
TOWER — (1,000) (25c-30c-35c) 7 days. Gross: $1,600. (Average, $2,000)

Alliance in Canada

Budd Rogers, vice-president and general manager of Alliance Films Corp., has extended his distribution territory to include the Dominion of Canada and the Maritime Provinces. Up to now, Rogers has confined sales of the 12 Alliance features and several shorts to this country. "Black Limelight," starring Raymond Massey, will open at the Thalia on Sept. 13.

AFRA Opens 4-Day Loop Meet Today

Second annual convention of American Federation of Radio Artists gets under way today at the Hotel Sherman, Chicago, with 150 delegates from 10 branches expected to attend. The convention will last four days and wind up Sunday night. Lawrence Tibbett, vice-president, will preside.

Principal business of the convention is expected to be a consideration of the transcription problem, a proposal to be sponsored by A.F.R.A. for a "one big union" plan for the parent body, Associated Actors and Artistes of America, and a resolution dealing with the 4-A and I.A.T.S.E. jurisdictional dispute.

Program Agenda

The agenda for the meetings has been fixed but no definite time has been set for consideration of the specific subjects. The agenda provides: 1. Call to order. 2. Appointment of convention secretary. 3. Appointment of two sergeants-at-arms. 4. Roll call and registration of proxies. 5. Annual report of national executive secretary. 6. Annual report of national treasurer. 7. Appointment of convention committees, including resolutions and constitutional committees. 8. Resolution against I.A.T.S.E. raid. 9. One relief organization for 4-A. 10. Merger of 4-A branches. 11. Recess for meeting of transcription caucuses. 12. Election of national officers. 13. Election of national board officers. 14. Report of resolutions committee. 15. Report of constitutional committee. 16. New business. 17. Further committee reports. 18. Nominating committee. 19. Election of place for 1940 convention. 20. Adjournment.

The New York delegation left for Chicago by train yesterday. It included Emily Holt, executive secretary; George Heller, associate secretary; Florence Marston, eastern representative of Screen Actors Guild; Leo Fischer, executive secretary of American Guild of Musical Artists; Josephine Tonge, assistant to Mrs. Holt; Everett Clark and John Brown, national board members.

NAB Seeks 'Free' Market in Music

"We are not necessarily trying to put Ascap out of business, but we are trying to establish a free market from which we can purchase our music," Ed Kirby, director of public relations for National Association of Broadcasters, declared after an N.A.B. subcommittee meeting here yesterday.

The meeting considered tentative plans submitted by Sidney Kaye and Stuart Sprague, attorneys who were retained to draft proposals to be submitted to a special N.A.B. convention in Chicago, Sept. 15. Non-members of N.A.B. have been invited to attend.

Regardless of concessions which Ascap may make, the N.A.B. will continue its efforts for new sources, Kirby said. The committee will have further meetings to formulate a definite program before the convention date.

BANNER RADIO LINES

By JACK BANNER

GOLDEN BOY TRAILERS ON TELEVISION . . . If Mohamet won't come to the mountain, then . . . but you know the rest of the proverb.

Major studios persist in refusing to allow their product to be shown on television, so NBC's television department has worked out a new idea in an endeavor to prove that television can be helpful.

In conjunction with Columbia pictures, NBC will present on television a regular and a special trailer made especially for video purposes, of "Golden Boy," on the theory that the trailers will whet the appetite of those who view them to attend the picture at the Music Hall, where it will have its premiere, or at their neighborhood house when it plays there. The "Golden Boy" trailers will be shown twice, Tuesday afternoon and Friday night. The same offer will be made to other studios by NBC, it is understood.

VOX POP TO CBS . . . Contracts were signed yesterday to shift the Vox Pop series, with Wally Butterworth and Parks Johnson, from NBC to CBS. The transfer will be made Sept. 5, at 7:30 P. M., and thereafter the series will be heard each Thursday at that hour over a chain of 50 stations. Penn Tobacco Co. will continue to sponsor the program.

ROLAND YOUNG SIGNED . . . Maxwell House Coffee has obtained Roland Young to serve as the regular comedian in the series which last season bore the M-G-M stamp. Only personality lacking in the show thus far is an M.C., but according to reports it is only a matter of days before Walter Huston is signed for the role.

VALLEE FOR KELLOGG . . . It's been hinted at before but an informant tells us it is more than a rumor and that Rudy Vallee has actually been signed to work for Kellogg in a series that will get under way some time in October, probably originating on the west coast where Vallee wants to settle. Program is to be a variety hour similar to the one Vallee has presented for thep ast 10 years for Standard Brands, save that in this instance the guest players will be screen stars, rather than stage players.

WORLD SERIES MIFFS . . . With the World Series broadcasts awarded to Mutual exclusively, the other two networks are doing their best to take the situation with a smile. However, they are not quite succeeding. NBC, for instance, yesterday notified its affiliates that they are not going to get the series games and stated "we expect that our stations will live up to their contracts." Meaning that if Mutual offers game rights to NBC stations, NBC expects that the offers will be turned down. CBS similarly has asked its affiliates not to take the games from Mutual.

Meanwhile, Mutual states it is not concerned by the attitude of the other networks. Mutual yesterday made plans to short-wave the World Series games to England, South America, Africa, the West Indies and Cuba.

Open Chicago Union Pact Talk Next Week

CHICAGO, Aug. 23.—Exhibitors will open negotiations here next week with the operators' union on the new terms of the annual contract.

The union, as is customary, is asking increases in wages of approximately 20 per cent.

Mark Vance Dies

Mark Vance, theatrical newspaper man, died Tuesday at Saranac after a long illness. Services will be held at the Riverside Memorial Chapel at 11 A. M. tomorrow. Burial will be in Maple Grove Cemetery, Long Island. Vance is survived by his wife and a son.

John Olinger Dies

MILWAUKEE, Aug. 23. — John B. Olinger, 65, retired exhibitor, is dead here. Olinger was in the theatre business in Milwaukee from 1906 to 1928, operating the old American and Toy Theatres. He is survived by his wife, a sister and a niece.

Young to Record Firm

Herbert Young has been signed as national sales manager of the United States Record Corp. Young, who is experienced in the radio, transcription and recording fields, will take to the road to contact the company's distributors.

Republic, Schines Close Product Deal

Republic has closed a deal with the Schine circuit for its entire 1939-'40 product, James R. Grainger, Republic president, disclosed yesterday. The deal, which was closed in Gloversville, N. Y., is for 122 houses in New York, Ohio, Maryland and Delaware.

Grainger, together with Nat Lefton, Ohio franchise holder; Sam Flax, Washington franchise holder; Jack Bellman, eastern district sales manager; Sam Gorrel, Cleveland manager; Max Margolies, Cincinnati manager; Nat Marcus, Buffalo manager, and Arthur Newman, Albany manager, acted for Republic. J. Meyer Schine, Louis Schine, George Lynch and Louis Goldstein acted for the Schine circuit.

Republic has set "Man of Conquest" in the Panama territory with bookings at the Tropical in Panama City and the Rex at Colon.

Delay TMAT Hearing

Hearing before the State Labor Relations Board on petition for certification of the M. P. Division of Theatrical Managers, Agents and Treasurers Union as collective bargaining agency for managers and assistants at the Liberty, 42nd St., operated by Helgus, Inc. (Harry Brandt) was adjourned yesterday. It will be tried after completion of the hearing with the Raybond circuit (Dave Weinstock.)

Three Major Deals Closed By CBS Web

Three major program deals were consummated at CBS yesterday, involving the Chrysler and Ford Motor Corporations, and Chesebrough [illegible].

Chrysler tendered its annual renewal to Major Edward Bowes to continue the Amateur Hour for another year on the air. Series is broadcast on Thursday from 9 to 10 P.M. over a network of 77 stations. Ruthrauff & Ryan handled the pact.

Ford renewed the contract for the "Sunday Evening Hour," which has been absent from the air for the summer. The symphony series will come back Sept. 24, and it too has a network of 77 stations. The agency was N. W. Ayer & Son of Philadelphia.

Chesebrough yesterday signed time contracts for the "Dr. Christian" series, which will return to the air over 59 stations on Nov. 1. Jean Hersholt stars in the series, which is presented Wednesdays from 10 to 10:30 P.M. McCann-Erickson is the agency.

Hollywood Guild program for Gulf Oil returns to the air Sept. 24, with Roger Pryor as master of ceremonies, Oscar Bradley's orchestra and guest stars, over 63 CBS stations.

Jimmy Fidler resumes his broadcasts over CBS on Sept. 12, after a six-week vacation.

Ask Permit to Build Minneapolis Station

WASHINGTON, Aug. 23.—Application for authority to construct a new broadcasting station at Minneapolis, to operate on 1,310 kilocycles with 1,000 watts power, has been filed with the Federal Communications Commission by the Independent Merchants Broadcasting Co.

The commission also received a number of requests for increases in power, including the applications of WIRE, Indianapolis, for an increase of night power from 1,000 to 5,000 watts; KFYO, Lubbock, Tex., for change of frequency from 1,310 to 1,380 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day; KTUL, Tulsa, Okla., for increase of night power from 1,000 to 5,000 watts; KANS, Wichita, Kan., and WCLS, Joliet Township, Ill., for increase of power from 100 to 250 watts and WJTN, Jamestown, N. Y.; WJBK, Detroit; WFTC, Kinston, N. C.; WGL, Baltimore; KRMC, Jamestown, N. D., and KAST, Astoria, Ore., for increase of night power from 100 to 250 watts.

Floyd Tomes Dies

SAN ANTONIO, Aug. 23. — Floyd Tomes, United Artists representative here, died in a local hospital of an internal hemorrhage. He will be buried in Battle Creek, Mich. He is survived by his wife and mother.

Change Para. Title

HOLLYWOOD, Aug. 23.—Paramount has selected "Parole Fixer" as the final title for the picture formerly known as "Paroles for Sale" and "Federal Offense."

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 39 NEW YORK, FRIDAY, AUGUST 25, 1939 TEN CENTS

English Film Trade Ready For Hostilities

Plans Set for Air Raid Defense, Evacuation

By AUBREY FLANAGAN

LONDON, Aug. 24. — Wardour Street (London's Film Row) and the British film industry in general are putting the finishing touches on arrangements for operation in the event of a national emergency.

Major organizations all have air raid precautions machinery ready to function, with their staffs fully trained and sectionally divided among firemen, nurses, decontamination squads and Air Raid Precautions wardens.

All basements are being reinforced and bomb proof and gas proof shelters are being prepared. Most major distributing companies are ready on instant notice to transfer their business outside London to stations already selected and prepared.

Newsreels have arranged for printing outside the city, and some film stocks already have been stored beyond the potential bombing area. However, some still are remaining in Wardour Street until they are advised officially to move.

All exterior lighting on film houses

(*Continued on page 2*)

Broadway Grosses Continue Uptrend

Aided by big weekend crowds and standout business during the rest of the week, Broadway houses rolled up impressive grosses. Outstanding was the "Wizard of Oz" which drew an estimated $70,000 in its first week at the Capitol, with Mickey Rooney and Judy Garland on the stage. "When Tomorrow Comes" brought an estimated $35,000 at the Rivoli, a new high. Third week of "In Name Only" at the Music Hall tallied an estimated $85,000.

At the Roxy, "Stanley and Livingstone" drew down an estimated $40,000 for its third week, an unusual showing. In its best second week since the band policy was started, the Strand grossed an estimated $47,000 for the second week of "The Old Maid." It will stay a total of four weeks.

"Beau Geste" drew an estimated $34,000 at the Paramount in a third week. "Goodbye, Mr. Chips" in its 14th week at the Astor attracted an estimated $11,000.

Crisis on the Air

Europe and the war scare continued to hold the spotlight on the radio networks yesterday, with regular programs subject to frequent interruptions for broadcasts from Europe. Highlight of yesterday's European broadcasts was the peace plea delivered by Pope Pius, and the transcript of Chamberlain's address to the House of Commons, delivered over the three networks, CBS, NBC and Mutual.

James Roosevelt To Survey Studios

HOLLYWOOD, Aug. 24. — James Roosevelt today was appointed by Joseph M. Schenck, president of the Association of Motion Picture Producers, "to make a special study of problems confronting the producers in their Hollywood studios, including inter-studio relationships."

In announcing the appointment, Schenck said: "Such a study, it is believed, will further the common aim of the entire industry. Samuel Goldwyn, with whose studios Mr. Roosevelt is associated as vice-president, has graciously assented to place the services of his associate at our disposal for purposes of this survey.

"In inviting Mr. Roosevelt to make this study, I wish to emphasize for both myself and the producers that this action has reference solely to local problems and has no relationship or bearing on any problems affecting certain producers and the Federal Government."

MAJORS VARY ON NEW SALES PLANS

Distributors' Hesitancy Believed Due to Fear Of New Government Suits

Several major distributors are weighing plans for incorporating in their sales policies and exhibition license agreements salient features of the now defunct industry code, home office inquiries revealed yesterday.

Warners was first to complete and announce its post-trade practice code selling policy for the new season, disclosing yesterday a 12-point program which will govern all new season deals made by the company. Outstanding in the company's announcement was its decision to grant a 20 per cent cancellation on all deals averaging up to $100 per picture.

It was indicated fairly definitely that Columbia has decided to revise its new season sales policy by including in its license agreements several clauses designed to achieve some of the objectives of the proposed trade practice code. These have not been finally determined and may not be ready for announcement to the trade for some time.

Neil F. Agnew, Paramount vice-president and distribution chief, declined to state whether Paramount contemplated any action affecting its sales policy and license agreement, and stemming from the proposed code of fair trade practices.

Universal officials said the matter has been under consideration for several days but no decision has been reached.

"I don't know what we will do or whether we will do anything more than we already are doing," one Universal executive said. "For several

(*Continued on page 3*)

Sophie Tucker Is Suspended By Equity Vote

Sophie Tucker, president of the American Federation of Actors, was found guilty by the council of Actors Equity of charges preferred against her and was suspended for an indefinite period. "I didn't expect anything else and I shall continue on with the A.F.A and the I.A.T.S.E.," Miss Tucker declared.

To the 817 locals of the I.A. yesterday went instructions from George E. Browne, I.A. president, that all locals must aid the A.F.A. organizing campaign. It was interpreted in I.A. circles as a formal declaration

(*Continued on page 7*)

Scranton Opens Its Arms As Gloria Jean Returns

SCRANTON, Aug. 24.—Gloria Jean, Universal's 11-year-old star of "The Under-Pup," was acclaimed tonight by 40,000 of her neighbors who crowded the downtown thoroughfares of this city in celebration of the child player's debut in films and the premiere of her picture at the Comerford Strand.

City officials mustered all available police to handle the crowds. There were more than 5,000 on hand to greet her on her arrival in the afternoon from New York accompanied by about 100 newspaper film critics and trade representatives.

There was a parade in her honor in the afternoon led by Mayor Fred Huester and John Nolan, general manager of the Comerford Circuit. Representing Universal were Matthew J. Fox, vice-president, and Lou Pollock, eastern advertising and publicity director.

A special radio program headed by Graham McNamee was broadcast from the front of the theatre before the premiere performance tonight. A display of fireworks was another feature of the early evening.

Scranton was bedecked in bunting and gay colors for the triumphant return of its native daughter who, with her mother and father, Mrs. and Mr. Herman Schoonover, three

(*Continued on page 3*)

NLRB Approves Studio Election

HOLLYWOOD, Aug. 24. — N.L.R.B. from Washington today sent approval of stipulation between the United Studio Technicians Guild and the I.A.T.S.E. for a consent election at film studios in their jurisdictional dispute.

Trail Examiner Henry Schmidt gave both sides and the producers 15 days to prepare a list of workers eligible to ballot under the agreement for collective bargaining agency.

Every effort will be made by the producers to facilitate a fair and equitable election, Joseph M. Schenck, president of the A.M.P.P., said today.

"The N.L.R.B.," he said following last night's meeting of producers, "has ordered an election by motion picture studio employes who are now seeking a determination of a bargaining agency to represent certain groups of studio

(*Continued on page 7*)

Legislature of Del. Meets in Blue Law Row

DOVER, Del., Aug. 24.—The Delaware General Assembly reconvened here today for a three-day session to consider steps toward revising the 144-year-old Sunday blue laws, but prospects of any action by the present legislature in revising the ancient statutes seem slim.

A proposal to put through a joint resolution naming Speaker Frank R. Zebley of the House and President Pro Tem David W. Steele of the Senate to appoint a committee to study the blue law question and make recommendations to the 1941 session is probable during the present session.

Offers Cooperation

Governor Richard C. McMullen, Lieutenant Governor Edward Cooch and Speaker Zebley have received letters from Attorney General James R. Morford of Wilmington, offering the cooperation of his office in the preparation of prosposed Sunday legislation. Republican members will hold a caucus to decide what action if any will be taken toward the blue laws. Morford opposes any plan to defer action on repeal or modification of the law.

Ebe H. Chandler, chairman of the Republican State Committee, disclosed a plan whereby a commission of seven would be named to study the law and submit a recommendation to the 1941 legislature.

The clerk of the House read a communication from Caleb Wright of Georgetown, attorney for Charles S. Horn, owner of the Blue Hen Theatre at Rehoboth Beach, whose arrest and fine on Sabbath breaking charges several weeks ago brought about blue law agitation advocating modification.

Blumberg Buys Stock

WASHINGTON, Aug. 24.—Acquisition in June of 300 Universal Corp. voting trust certificates by Nathan J. Blumberg, president, bringing his holdings to 500 certificates, was reported tonight by the Securities and Exchange Commission, the only transaction in film securities shown in its semi-monthly summary.

'Pass Brokers' New Broadway 'Business'

Flourishing Broadway "business" of selling passes to legitimate stage plays has been discovered by League of New York Theatres, and the League is taking steps to end it. Practice is to obtain passes in the names of newspapermen, from managers, and from storekeepers who display theatrical advertising and to re-sell them at reduced prices. The League has uncovered evidence that some managers are working in cahoots with the pass "brokers."

Purely Personal

W. R. ROTHACKER, vice-president of Quigley Publications, resident in Hollywood, will entrain for New York on Saturday prior to embarking for Europe Sept. 2 on the *Conte Di Savoia*.

•

GEORGE J. SCHAEFER; RKO president, will arrive in New York from the coast by train today after three weeks at the company's studio.

•

NORMAN H. MORAY, Vitaphone sales manager, returns from Philadelphia today after conferring with branch personnel there yesterday.

•

SAM MORRIS, Warner vice-president, has postponed his departure from Rio de Janeiro for Buenos Aires in order to attend the Brazilian premiere of "Juarez" in Rio at the Sao Luiz on Aug. 31.

•

SUSAN HAYWARD, Paramount player, will leave Hollywood by air Saturday night for Des Moines, where she will select the most beautiful redhead in a competition at the Iowa State Fair.

•

HERBERT WILCOX, British producer, and ANNA NEAGLE, star, are due in New York today from the opening of "Nurse Edith Cavell" in Toronto last night. Tomorrow, Miss Neagle will be guest of honor at a luncheon in the Merrie England Restaurant at the World's Fair, celebrating Women's World War Veterans' Day there.

•

OSCAR SHANKEN of the Dixwell Playhouse, New Haven, was seeded third place in the New Haven Municipal tennis championships.

•

WALTER A. VOLGER, former U. S. Army drill sergeant, has been signed by M-G-M as technical adviser on the filming of British military sequences in "Northwest Passage."

•

KARL LAMB, HOWARD ESTABROOK, COMMANDER HARVEY HAISLIP, CHARLES BRACKETT and BILLY WILDER have been signed to writing contracts by M-G-M.

•

JANE BAXTER, English actress, will sail soon from London to appear opposite WARNER BAXTER in "Scotland Yard," for 20th Century-Fox.

ROBERT T. KANE, head of 20th Century-Fox British production, is spending a few days with S. R. KENT, president of 20th Century-Fox, at Alexandria Bay before proceeding to the studio for conferences.

•

SPYROS SKOURAS, operating head of National Theatres, returned yesterday after attending five divisional meetings of the circuit.

•

JAMES FINNEY of the Walt Disney eastern office is vacationing at Pownal, Vt. He will return to his desk after Labor Day.

•

EMILY WILLIAMS, secretary to JACK CHALMAN, advertising manager of the Interstate Circuit, San Antonio, has left on a vacation trip to the Golden Gate Exposition in San Francisco, and to Los Angeles.

•

JOHN A. SCHWALM, manager of the Northio Rialto, Hamilton, O., is a candidate for reelection to the City Council.

•

GLENDA FARRELL will conclude two months in summer stock with her appearance in "With All My Heart," opening Aug. 28 at the Playhouse, Ogunquit, Me.

•

CHARLES SIMPSON, manager of the Cameo, Anniston, Ala.; FORNEY BRICE, Ritz, Anniston, Ala.; BARRY BURKE, division manager for the Minnesota Amusement Co., Minneapolis; FANNIE SLEPIAN and CLARA KAPLAN of Memphis, among visitors to the World's Fair.

•

WALTER FERRIS has been signed by RKO to write the screenplay for "Tom Brown's School Days," which GENE TOWNE, head of The Play's the Thing Productions, will produce.

•

MAXIE ROSENBLOOM, former light heavyweight boxing champion, has been borrowed from Warners for a comedy role in the 20th Century-Fox picture, "20,000 Men a Year."

•

MONYA HADELMAN of Modern Theatre Equipment, New Haven, will leave to enter the University of Connecticut at Storrs, next month.

•

SAM SHAIN goes to Towanda from Scranton for the weekend.

Jurisdiction Over Ticket Sellers Up

Treasurers group of Theatrical Managers, Agents and Treasurers Union met yesterday with William Collins, A.F. of L. organizer here, to discuss extent of the T.M.A.T. jurisdiction over ticket sellers. There is some confusion over whether the I.A.T.S.E. or the T.M.A.T. has this jurisdiction.

At a membership meeting which ended early yesterday morning, the treasurers appeared split on the question of an I.A. tieup. Several spoke openly of joining the I.A. If this group decides to affiliate with the I.A. it may do so with the Motion Picture Division.

Projectionists' Day At World Fair Sept. 7

A special ticket has been issued for Projectionists' Day, Sept. 7, at the New York World's Fair, which will admit the holder to a meeting in the Little Theatres in the Special Events Building.

The tickets are sold at the regular price of admission and can be purchased through P. D. Herbst, chairman of the ticket committee of Local 306. P. A. McGuire is chairman of the arrangements committee.

"Women" Opens Tuesday

HOLLYWOOD, Aug. 23.—The world premiere of M-G-M's film, "The Women," will be held at Grauman's Chinese here on Tuesday.

English Film Trade Ready For Hostilities

(*Continued from page* 1)

has been dimmed. Some employes, film directors and executives already have been called to reserve duty. Captain Walter Summers, currently directing at Welwyn Studio, has rejoined the colors.

Meanwhile, the industry continues normally and without alarm or panic. Theatres are open and studios are at work.

In the event of an emergency, the Cinematograph Exhibitors Association will move to Reading and the Kinematograph Renters Society (distributors) to Slough from London.

Following conversations between the film trade and the War Office today it has been determined that no special film houses will be built for militia camps. Investigation has revealed that troops prefer to patronize commercial theatres where they are available.

To facilitate the access of the militia to theatres, the War Office will now investigate, and where it is necessary, will improve the transportation facilities to theatres. Smaller camps in remote areas will be entertained by mobile film theatres. Exhibitors in appropriate districts also will increase the number of cheaper seats available. The C.E.A. and K.R.S. were represented at today's meeting.

Ben Judell Awards Eastern Franchises

HOLLYWOOD, Aug. 24.—Ben Judell, president of Producers Distributing Corp., has awarded a Philadelphia franchise to Edward Boreth of Masterpiece Film Attractions and a Washington, D. C., franchise to George J. Gill of Trio Productions.

With B. N. Judell, Inc., exchanges to be opened by October in Kansas City, Atlanta, Charlotte, Memphis, New Orleans, Dallas, Oklahoma City and Los Angeles, all territories will have been opened.

Plan Film on Pastor

HOLLYWOOD, Aug. 23.—Warners have announced plans to make a picture based on the life of Tony Pastor.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Gloria Jean Welcomed by All Scranton

(Continued from page 1)

sisters and a number of her former schoolmates came on here from New York.

One afternoon parade included a contingent of 2,000 miners from the local anthracite mines, city officials, American Legion delegations, the Veterans of Foreign Wars drum and bugle corps, hundreds of costumed children and an automobile section of several hundred cars. The parade ended at Court House Square where Gloria Jean, in a robe of silk presented by Scranton's silk industry, was crowned "Queen of Anthracite" by Mayor Huester.

A Gala Gala

The picture's opening was made as nearly like a Hollywood or Broadway premiere as was possible under the circumstances. The preliminary program was broadcast over a national hookup, arc lights illuminated the scene and celebrities paraded before the "mikes" on their way into the theatre. A musical program featuring Gloria Jean and the Scranton Symphony Orchestra preceded the screening of the picture.

On Friday, Gloria Jean will divide her time between autographing sessions at local department stores and playing hostess at the ball park to an estimated 10,000 boys and girls at an ice cream and doughnut party, at which a circus will perform.

Sunday has been declared "Gloria Jean Day" at the New York World's Fair and she will return there to participate in special activities.

Conselman Declares S.P. Were Minority

HOLLYWOOD, Aug. 24. — William Conselman, member of the Screen Playwrights, Inc., when the group signed a bargaining agreement with the producers, today testified that as far as he knew the Playwrights never had a majority of film writers as members.

Other testimony at the hearing of N.L.R.B. charges of Wagner Act violation against eight major producers was given by Robert Tasker, Horace McCoy, Ferdinand Reyher, Sidney Buchman, Dore Schary, Patterson McNutt, Henry Myers, Gertrude Purcell, Dudley Nichols, Michael Simmons, S. K. Lauren.

McCoy told of distribution by studio executives of Screen Writers Guild resignation blanks to writers at Universal.

Mendel Silberberg, producer attorney active in resumption of negotiations early this year between the studios and SWG, told of failure of conferences which ended in stalemate.

McGinley Welcomed

HOLLYWOOD, Aug. 24.—Welcoming banners were draped over Universal City streets today to greet L. J. McGinley, former Seattle branch manager who recently was appointed assistant to William J. Heineman, western sales manager.

New York Previews

"The Under-Pup"

(*Universal*)

This is a breezy, fresh picture, full of the antics and heartaches of childhood, but filled mostly with real entertainment of the kind that is marketable at every box-office.

It furnishes an excellent introduction to film audiences for Gloria Jean, Universal's new singing juvenile, who, although destined to be compared with Deanna Durbin, is really a personality and a voice in her own right. There is little more basis for comparison between the two than whatever attaches to their youth and singing abilities. Audiences are certain to find the newcomer a charming and gifted youngster. Her name, obviously, is destined to become well known and exhibitors would do well to begin emphasizing it now.

"The Under-Pup" is eminently suited for, and deserves, the family trade. It is a picture which can be shared by young and old together, and with satisfying enjoyment to both. It progresses smoothly from beginning to end under Richard Wallace's knowing direction. The entire cast, obviously enjoying its work, communicates that enjoyment to the audience and in so doing advances the tempo of the entire picture. Gloria Jean, as a daughter of a city family of limited means but sunny lives, wins a trip to an exclusive girls' camp by writing an essay. Among her more privileged hostesses, Gloria suffers immediate disillusionment from petty snobberies and jealousies, but escapes resentment when she realizes the lack of family love in the lives of her new acquaintances. She sets out to remedy things with the aid of "Grandpa," who is what is known as a "character," and is played with considerable convincing animation by C. Aubrey Smith.

Between them they succeed in preventing the divorce of the parents of Gloria's best camp friend, Virginia Weidler, and help that young lady herself to win the swimming race and become president of the girls' secret society, thereby deservedly punishing Shirley Mills as the most offensive and belligerent snob in the camp. More than this, they bring Shirley's father, played by Raymond Walburn, to a realization of his daughter's shortcomings, which helps to bring about her "reformation"; they bring sunlight and love into the empty life of the camp superintendent, Beulah Bondi; they give encouragement to the romance of Robert Cummings and Nan Grey, camp instructors, and ultimately win for Gloria a full membership in the secret society with its cherished privilege of wearing the organization's uniform.

The Grover Jones screenplay from an original by I. A. R. Wylie possesses a tongue-in-cheek attitude toward many of the situations that adds much to the general fun of the Joe Pasternak production. Director and cast ride along with the story's mood to delightful results. The roles are uniformly well handled and the work of the many juveniles in the cast is particularly praiseworthy.

Virginia Weidler's work as Gloria's best friend is deserving of special mention, and that of Shirley Mills and Ann Gillis, as the "meanies" of the girls' camp, are outstanding also. Margaret Lindsay and Paul Cavanaugh contribute good characterizations in the roles of Gloria's mother and father. Billy Gilbert adds some amusing touches to the role of the Italian caretaker at the camp. Hal Mohr's camera work is of its usual excellence.

Running time, 89 minutes. "G."* SHERWIN A. KANE

"Song of the Streets"

(*Mayer-Burstyn*)

The title clearly indicates the theme of this French picture, imported by Arthur Mayer and Joseph Burstyn. It tells the story of a younger of two sons of a World War widow, who, lacking a guiding hand, falls in with the wrong kind of gang, ends in jail after a too daring escapade, and is brought to his senses by the enormity of his wrongdoing.

It partakes largely of the French tradition of the photoplay, relying much on the camera, angled shots and a heavily accented musical score, which is, however, appropriate and effective. The performances are for the most part of good quality, by players who are uniformly unknown on this side of the water.

Ample subtitle translations of the dialogue make for ready understanding, despite the use of French, and, as a matter of fact, no subtitles and a lack of knowledge of French would be a hindrance to clear understanding. Victor Trivas directed from a screenplay by himself and Alexander Arnoux, based on the novel by J. H. Rosny. Hanns Eisler composed the music.

The film should have a ready market in those houses which cater to audiences interested in the better things from abroad.

Running time, 72 minutes. "G."* CHARLES S. AARONSON

*"G" denotes general classification.

Majors Vary On Terms of Sales Plans

(Continued from page 1)

years past Universal has not had a score charge, the company does not force shorts or newsreels, it has granted a cancellation privilege and welcomes discussions of any grievances arising from its contracts with customers. If our sales policy can be further liberalized I am sure we will do it."

No statements were forthcoming from either 20th Century-Fox or M-G-M due to the absence from the city of Herman Wobber and William F. Rodgers, sales heads of the companies. Wobber is conducting sales meetings on the coast and Rodgers is en route to the coast from Chicago on business. An M-G-M sales executive said the company for two years has incorporated fair trade practices in contracts.

RKO Move Expected

RKO, indications are, will make some move to salvage some of the features of the defunct code for its customers by including them in sales contracts.

There is no indication that United Artists' sales policy will undergo any change because of the discarding of the code and the trend toward individual sales policy revisions by companies. A United Artists' spokesman said the company believes its contracts already make every concession to the exhibitor that it can possibly afford, and that the new situation does not alter the company's view in any respect. However, no official statement was issued because of the absence in Hollywood of Murray Silverstone, company head.

United Artists took no part in the code negotiations of the past 14 months.

Prosecution Feared

Back of the apparent hesitancy of individual companies in making their decisions is believed to be the fear of further prosecution by the U. S. Attorney General's office. Several were outspoken in asserting that they would incorporate every practicable feature of the code in their license agreements if it were not for the fact that the Department of Justice would be certain to draw the inference that the distributors were acting in concert.

Even if the concessions granted would differ in individual company contracts, some similarities would be inescapable and sufficient, in all likelihood, to earn Department of Justice inferences, it was said.

"There are only a certain number of evils in the business," one official put it, "and the remedies for them are all pretty much alike. Therefore, even though the distribution companies act separately to correct them, it is unavoidable that they will reach similar conclusions. We can only guess what the Government will infer from this."

In any event, the new move to effect reforms by means of the license agreement rather than a code of trade practices furnishes conclusive evidence that the proposed code is dead as an industry proposition.



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NEW YORK

Tough on Salesmen

Oklahoma City, Aug. 24.—T. B. Noble, Jr., president of State Theatres, Inc., here, has added a new item to his "I don't want to buy any" list.

The placard which stands on his desk neatly lettered by a professional poster artist now reads:

"I dont want to buy any:
1. Air conditioning.
2. Life insurance.
3. Advertising space."

Defendants Served In Nashville Case

Individual and corporate defendants here in the Government anti-trust suit against Crescent Circuit of Nashville and major distribution companies were served in the action yesterday.

The action was filed against the Tony Sudekum circuit of 38 houses on Aug. 12 in Federal court at Nashville. It was the third suit directed against an independent circuit which the Government has filed as a corollary of its New York suit against the producing and distributing companies. Suits were filed earlier against Griffith Amusement Co. of Oklahoma City and the Schine Circuit of Gloversville, N. Y.

Sunday Films Win Under NY State Law

SALEM, N. Y., Aug. 24.—First application of the new Owens law, passed by the state legislature this year, resulted in a victory for Sunday motion pictures when the voters turned out to pass the measure, the result of a petition, by a 260-104 count.

The Owens law, sponsored by Assemblyman James E. Owens of Westchester County after a similar bill which reached the order of passage in the Assembly had been withdrawn due to opposition of the clergy, permits 20 per cent of the eligible voters in any township to present a petition to the Board of Trustees for a special election.

New 'Intermezzo' Title

HOLLYWOOD, Aug. 24. — David O. Selznick has decided on "Intermezzo, A Love Story," as the final title of the film starring Leslie Howard, which has been known simply as "Intermezzo." United Artists will release the film.

Indianapolis Gives 'Stanley' Big $11,000

INDIANAPOLIS, Aug. 24. — "Stanley and Livingstone," paired with "Quick Millions" was powerful at the Circle, with $11,000. "Four Feathers" and "A Woman Is the Judge" grossed $7,500 at Loew's.

Estimated takings for the week ending Aug. 18:

"I Stole a Million" (Para.)
"The Girl and the Gambler" (RKO)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $2,000. (Average, $2,500)
"Stanley and Livingstone" (20th-Fox)
"Quick Millions" (20th-Fox)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $11,000. (Average, $5,500)
"Four Feathers" (U. A.)
"A Woman Is the Judge" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $7,500. (Average, $7,000)

Theatre and Personnel Changes

Has Five in Indianapolis

INDIANAPOLIS, Aug. 24. — Joseph Cantor increased his holdings of neighborhoods here to five with purchase of long term leases for the Parker, 400-seat East side house, and the Golden, 500-seat house on the eastern edge of the city. He now operates the Rivoli and Emerson, both in the eastern part of the city, and recently acquired the Garrick, North Side house, which will be opened in September after remodeling, as the Esquire.

Buys Tuttle, Okla., House

TUTTLE, Okla., Aug. 24. — T. E. Hutchins has purchased the Tuttle here from C. E. Allison, Rush Springs, Okla. The house will be operated on three changes a week.

Francis Moves Exchange

OMAHA, Aug. 24.—S. J. Francis, who recently acquired the Monogram franchise here, has moved the exchange to new and larger quarters on Film row. Francis also operates the American Distributing Corp., handling films and portable equipment.

Weirick Reenters Business

DENVER, Aug. 24.—With the completion of a new theatre at Glenwood Springs, George P. Weirick will reenter the business. Weirick was in the theatre business years ago at the same place until he sold out. The house, seating about 200, will give Glenwood Springs two theatres.

House in Gillette, Wyo.

DENVER, Aug. 24.—Gillette, Wyo., will move into the two-theatre class when on Aug. 31 George McAnany opens his 200-seat American.

Remodel Wyoming Spot

DENVER, Aug. 24.—A complete remodeling job is being done by Fox on the Empress at Laramie, Wyo., including the installation of new booth equipment, carpets, ventilating equipment and 800 new seats.

Open in Sapulpa, Okla.

SAPULPA, Okla., Aug. 24. — The State, a new 500-seat theatre built here recently by the Griffith circuit, has opened, James Zartaludes, city manager for the circuit, in charge.

Reopen in Indianapolis

INDIANAPOLIS, Aug. 24.—The Oliver, 600-seat neighborhood operated by Nathan Tamler, has reopened. It was closed a few weeks for remodeling.

To Install New Seats

WELEETKA, Okla., Aug. 24.—C. W. Duncan, operator of the Avon here recently purchased 250 chairs for installation in that house.

Resume Cleveland Shows

CLEVELAND, Aug. 24.—Stage shows, discontinued for the Summer, will be resumed at the RKO Palace here on Sept. 8, Nat Holt, RKO Great Lakes division manager, reports.

Forester Quits Omaha

OMAHA, Aug. 24.—Edward Forester, Omaha Theatre manager, has resigned, effective Sept. 1. Forester will move to California to free lance as a magazine writer.

Takes Washington House

SEATTLE, Aug. 24.—O. M. Durham, formerly of Tennessee, has taken over the Mission in Mount Vernon, Wash. The house formerly was operated by L. K. Brin. The opening is scheduled for Aug. 31.

Manages Canadian House

TORONTO, Aug. 24.—H. B. Neun, formerly manager of the Royal at Woodstock, Ont., of the Famous Players circuit, has been placed in charge of the Granada, Chatham.

Reopen Ohio Theatre

MANSFIELD, O., Aug. 24.—Warners' Majestic, closed for the summer, reopens Sept. 3. Wayne Williams resumes as house manager.

Buys in Cleveland

CLEVELAND, Aug. 24.—Henry Barden has taken over the Waldorf from Nate Schultz. Meyer Kaplan, former partner of Schultz in the ownership of the theatre, continues his connection with it as managing director.

Takes House in Conn.

GLASTONBURY, Conn., Aug. 24.—Mrs. Nathan Lampert has taken over operation of the 550-seat Glastonbury, with Maurice Kempner as manager. The theatre was formerly operated by the Lampert circuit.

Retchin Joins Warners

SEATTLE, Aug. 24.—Sheldon Retchin has been added to the sales staff of the local Warner exchange. He is the son of Lester Retchin, operator of a string of houses in Chicago and neighboring areas.

Fay's Reopens Sept. 1

PROVIDENCE, Aug. 24. — After the usual summer shutdown, Fay's theatre will reopen under the management of Edward M. Fay on Sept. 1. House will resume its traditional vaudeville-film policy. During the warm weather closing, all of the chairs in the balcony have been rebuilt and some construction work has been done on the stage.

Howes Seattle Manager

SEATTLE, Aug. 24.—"Doc" Howes, former road manager for Fanchon & Marco units, will act as manager of the Metropolitan Theatre next month, when the house is operated by Herbert Rosener as part of his foreign film circuit.

Renovate in New Haven

NEW HAVEN, Aug. 24.—Al Pickus, new operator of the 496-seat Annex, has closed the house for complete reseating and renovation. The house will reopen as a 403-seat, single feature theatre, called the Fairmont, on Sept. 10.

Harold Leaves Standard

OKLAHOMA CITY, Aug. 24.—Hank Harold, advertising artist for Standard Theatres, Inc., has resigned and returned to the east. Julius Krisch, manager of the Warner, has been transferred to the booking department of Standard. Paul Townsend, manager of the Liberty, henceforth also will manage the Warner.

Pioneer Shifts Men

DES MOINES, Aug. 24.—The Pioneer Theatre Corp. has moved Marion Parkinson, manager of the Iowa, Jefferson, Ia., to Spencer, Ia., to manage the Spencer and Fraser; Millard Gettier, formerly at Spencer, has been named manager of the Webster, Webster City, Ia., and Percy Long, formerly manager of the Webster, has gone to Jefferson to manage the Iowa and Howard.

Gets Des Moines Post

DES MOINES, Aug. 24.—William Watkins, former poster clerk at the Warner exchange, has been named ad salesman, replacing Glen Folsom, who left to become booker at Monogram. Hal Robinson, formerly with the Film Transportation Co., has been appointer poster clerk at Warners.

Named N.T.S. Manager

DES MOINES, Aug. 24.—Al Schuyler, salesman for National Theatre Supply, has been appointed manager, succeeding W. V. Toney, who is going to Tri-States maintenance department.

Lee Williams Buys House

OKLAHOMA CITY, Aug. 24.—K. Lee Williams, president of the theatre company bearing his name, has purchased the American Theatre at Willburton, Okla., from John McGinley, who sold the theatre to engage in the oil business. Williams also is building a new theatre at Fordyce, Ark., which will be opened after the present Williams' Theatre, operated there, has been remodeled.

Building Oklahoma House

PURCELL, Okla., Aug. 24. — Mrs. Pearl Dooley is constructing a new $20,000 theatre here in addition to one theatre now operating.

Scott Ballantyne Cashier

OMAHA, Aug. 24.—Maude Carville, Pathe cashier in Omaha and Kansas City for 16 years, has been named cashier by Scott Ballantyne Co., equipment house. She replaces Raymond Kopecky.

Reopen Ada, Okla., House

ADA, Okla., Aug. 24.—Mr. and Mrs. I. G. Killough, operators of the Ritz here, have reopened the house after remodeling.

Business Men Open House

OMAHA, Aug. 24.—The Diers at Gresham, Neb., will be opened Sept. 1 by the town's business men. House formerly was operated by H. K. Diers, member of the Nebraska legislature.

Finish South Carolina House

UNION, S.C., Aug. 24.—The Ritz, which has been under construction for the past several weeks, is now completed. The All-State theaters circuit owns the theatre.

Plan Wisconsin Theatre

BRILLION, Wis., Aug. 24. — Plans have been announced for the remodeling of the local auditorium into a theatre, with completion scheduled for some time in September.

Sophie Tucker Is Suspended By Equity Vote

(*Continued from page* 1)

of war. Aided by Stagehands Union, Local 1, the A.F.A. secured a closed shop contract with wage and hour provisions from Ripley's Odditorium. The A.F.A. also scored when N. Y. Supreme Court Justice Ferdinand Pecora denied an application for a temporary injunction to restrain the A.F.A. from threatening to picket a night club which employed members of American Guild of Variety Artists although the club had a closed shop agreement with the A.F.A.

Browne's telegram is expected to affect motion picture presentation houses most seriously as the stagehands and projectionists are more solidly organized in these fields. However, the aid in night clubs and other variety spots is also likely to be considerable, particularly because of working agreements with the American Federation of Musicians.

Text of Wire

Browne's telegram read:

"Since the I.A. found it necessary, in order to protect its entire membership and jurisdiction, to issue a charter to the A.F.A., therefore see to it that all persons performing work under their jurisdiction be members of that organization and render them every assistance."

Although it was not known last night what specific actions the locals would take to "see to it" that all variety performers be A.F.A. members, the situation is believed to be serious. Operators' Local 306 made no comment. It is not believed, however, that any action will be taken by the New York city projectionists unless specific instructions on particular situations are given by Browne. Stagehands union officials said they felt "obligated" to organize film presentations houses now.

Barred from Show

Miss Tucker, who was suspended temporarily Aug. 4, was suspended yesterday "until further notice." She will therefore be unable to appear in the scheduled reopening of "Leave It to Me" on Sept. 4 nor will she be able to go on the road with the show on the tour scheduled for Oct. 16. Miss Tucker was unable to state last night whether she would take any legal action against Equity for reinstatement or against Vinton Freedley, producer, for enforcement of her contract. Freedley could not be reached for comment on the situation. The I.A. has declared that it will not permit the show to open without her.

Miss Tucker has been booked at night clubs and hotels along the route the show was scheduled to follow, and she will keep these engagements. She blamed Equity for the forced unemployment of the 115 others engaged in the show.

Ralph Whitehead, A.F.A. executive secretary, said that the jurisdiction referred to in the Browne telegram was the same as that exercised while the A.F.A. was a 4-A unit. However, the charter now provides for jurisdiction over all artists in the entertainment field.

Trial of Harry Richman, A.F.A. vice - president, was postponed to Sept. 25 because he has out-of-town engagements until then. Although Richman appeared Tuesday to plead for peace, he was not present yesterday.

Charges against Miss Tucker included the acceptance of an I.A. charter for the A.F.A. and stating under oath that Equity had entered into a conspiracy to make charges against the A.F.A. Ruth Richmond, executive secretary of Chorus Equity, declared that her union endorsed Equity's action. Equity is expected to hold a membership meeting to discuss the matter shortly after Labor Day.

Meanwhile, Justice Pecora, in denying the injunction sought by Edwin W. Kay, Katya Komer and Byron Kay, a dance team known as Kay, Katya & Kay, stated that the plaintiffs might sue for damages but that an injunction was unwarranted. The team was playing at La Conga, a night club, and was compelled to stop the act because the A.F.A. threatened to picket if closed shop contract was violated, it was alleged.

Whitehead Wires AFA Chapters

HOLLYWOOD, Aug. 24.—Sending of telegrams to all I.A.T.S.E. locals by George E. Browne, president, ordering all aid to be given the AFA was followed today by wires to all AFA chapters by Ralph Whitehead, the actors' group executive secretary.

Whitehead, after quoting Browne's wire, ordered local officers: "Draft every loyal member and friend for the duration of an intensive organizing campaign. Full steam ahead. Contact your local I.A.T.S.E. officials."

Tacitly behind the IA will be the American Federation of Muscians which has a 25-year mutual aid agreement with the Alliance.

Murray Lane, business representative of the AFA local here, declared he and Jack Kramer, president of the unit, would immediately contact the IA's local leaders and proceed on a widespread campaign in Southern California. One of the first steps, he said, would be to seek an AFA shop agreement with the Orpheum Theatre, Los Angeles vaudeville film house.

Hollywood Preview

"The Fighting Gringo"

(RKO)

HOLLYWOOD, Aug. 24.—Husky, hard-fisted George O'Brien bests another collection of cool, crafty crooks, by exercise of brain, brawn and bravado in this pattern western. He does the things his fans expect to see him do and the story places no great strain upon the mental powers of the least of them. It has somewhat more than the accustomed portion of riding, about the standard percentage of pistol fire and enough knock-down-and-drag-out fisticuffs.

Written by Oliver Drake, the yarn is about a plot to steal a ranch, by due process of corrupted law, from an nice old Spanish gentleman who has a nice young daughter who likes O'Brien from the moment he rescues her in a stagecoach holdup. Lupita Tovar plays the girl and William Royle makes the villain-in-chief a realistically dastardly desperado.

Produced by Bert Gilroy, one of RKO President George Schaefer's recent promotions from the short subjects division, and directed by David Howard, the film is a straight western conforming in full detail to the pattern of the George O'Brien series.

Running time, 59 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

'Cavell' Premiere Is Held in Toronto

TORONTO, Aug. 24.—The world premiere of RKO's "Nurse Edith Cavell," produced by Herbert Wilcox and starring Anna Neagle, was held here tonight before a large crowd on the grounds of the Canadian National Exhibition. Both Wilcox and Miss Neagle attended.

Following press interviews, a luncheon and a tea party at the Women's Press Club, the star was guest of honor, together with Sir Gerald and Lady Campbell, at the Royal York Hotel. From the Band Shell of the Canadian National Exhibition Grounds, she delivered an address, which was broadcast, after which "Nurse Edith Cavell" was screened.

Among the notables present were Lord Tweedsmuir, Governor-General of Canada, and Lady Tweedsmuir; W. L. McKenzie King, Prime Minister of Canada; Albert Mathews, Lieutenant-Governor of Ontario, and Mrs. Mathews; Mitchell Hepburn, Prime Minister of Ontario, and Mrs. Hepburn; Sir Louis Beale, and representatives of the Dominions' Governments and India.

NLRB Approves Election at Studios

(*Continued from page* 1)

employes. Promptly upon receipt of the notice of election, each studio will prepare as prescribed by the regulations of the Labor Board a list of names of those made eligible by the action of the board to participate.

"It is the hope of the producers that the election will lead to a solution of the present dispute regarding the rights of representation between the contending groups."

Monogram Deals Closed

Monogram has closed deals for the 1939-'40 product with Pal Amusement Co., covering Georgia; Interstate Circuit in New England and O. K. Theatre Circuit, Dallas, according to George W. Weeks, general sales manager.

'Wizard' Is Denver Lead With $13,000

DENVER, Aug. 24.—"Wizard of Oz," teamed with "Five Times Five," drew a big $13,000 at the Orpheum.

Estimated takings for the week ending Aug. 23:

"Each Dawn I Die" (W.B.)
ALADDIN—(1,400) (25c-35c-40c) 7 days, 2nd week. Gross: $3,500. (Average, $3,500)
"Bachelor Mother" (RKO)
"They All Come Out" (M-G-M)
BROADWAY—(1,100) (25c-40c) 7 days, 2nd week. Gross: $3,000. (Average, $2,500)
"Heritage of the Desert" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: $5,000. (Average, $6,500)
"Stanley and Livingstone" (20th-Fox)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: $11,000. (Average, $9,000)
"Wizard of Oz" (M-G-M)
"Five Times Five" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $13,000. (Average, $8,500)
"Hell's Kitchen" (W. B.)
"Man Who Dared" (W. B.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)
"Second Fiddle" (20th-Fox)
"Code of the Secret Service" (W. B.)
RIALTO—(878) (25c-40c) 7 days. "Second Fiddle" 3rd week. Gross: $2,000. (Average, $1,750)

'Stanley' Is Capital Winner at $18,500

WASHINGTON, Aug. 24.—"Stanley and Livingstone," playing at Loew's Palace without benefit of stage show, was the only film to overcome the handicap of excessive heat and humidity, taking a strong $18,500.

Estimated takings for the week ending Aug. 17:

"Hotel for Women" (20th-Fox)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days. Stage: Woody Herman & orchestra. Gross: $13,400. (Average, $16,500)
"Second Fiddle" (20th-Fox)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 2nd run. Gross: $4,200. (Average, $4,500)
"Stanley and Livingstone" (20th-Fox)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $18,500. (Average, $12,000)
"Bachelor Mother" (RKO)
RKO-KEITH'S—(1,836) (25c-55c) 7 days, 3rd week. Gross: $5,800. (Average, $6,000)
"Each Dawn I Die" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Vaudeville. Gross: $15,500. (Average, $16,000)
"Blondie" (Col.)
WARNERS' METROPOLITAN — (1,591) (25c-40c) 7 days. Gross: $4,000. (Average, $4,000)

'Chips' Is Buffalo Smash with $17,000

BUFFALO, Aug. 24.—"Goodbye, Mr. Chips," boomed locally with the selection by newspaper poll of "Buffalo's Mr. Chips," brought Shea's Buffalo $17,000. "Andy Hardy Gets Spring Fever," a return engagement, took $5,900 at the Hippodrome.

Estimated takings for the week ending Aug. 19:

"Goodbye Mr. Chips" (M-G-M)
BUFFALO — (3,000) (30c-55c) 7 days. Gross: $17,000. (Average, $12,000)
"Four Feathers" (U. A.)
GREAT LAKES—(3,000) (30c-50c, 7 days. Gross: $9,700. (Average, $7,500)
"Andy Hardy Gets Spring Fever" (M-G-M)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $5,900. (Average, $6,800)
"Mr. Wong in Chinatown" (Mono.)
"Exile Express" (G. N.)
TWENTIETH CENTURY—(3,000) (15c-25c) 7 days. Gross: $3,500. (Average, $5,200)
"Coast Guard" (Col.)
"Woman Is the Judge" (Col.)
LAFAYETTE — (3,300) (25c) 7 days. Gross: $5,600. (Average, $6,300)

AFRA Now Has 8,600 Roster, Meeting Told

CHICAGO, Aug. 24.—American Federation of Radio Artists has increased its membership to 8,600 from 3,500 last year, Emily Holt, executive secretary, reported to the organization's second annual convention which opened at the Sherman Hotel here today.

Miss Holt read the annual report and urged AFRA to join with other artist groups, SAG, AFA, Equity, AMA and others, in one big union for greater strength.

Discussion of the actors' jurisdictional fight between the 4-A and I.A.T.S.E., in which AFRA is involved, consumed most of the time today. Lawrence Tibbett, presiding, reported on the conference with William Green and other AFL officials at Atlantic City recently. Tibbett said more harmony would result if union executives would give more conisderation to the rank and file of the membership.

Miss Holt recommended revising the sickness and unemployment benefits setup in one group for more efficient handling.

RKO Asks Dismissal Of Kentucky Action

Federal Judge Samuel Mandelbaum yesterday authorized the Irving Trust Co., as trustee of RKO, to retain William Marshall Bullitt of Louisville as attorney to apply to the U. S. District Court in Kentucky for dismissal of the suit for $75,000 treble damages filed there in July by Harry Schwartz and George Myers, trading as the New Theatre.

In addition to RKO, Loew's Inc., United Artists Corp., 20th Century-Fox Distributing Corp., and M-G-M Distributing Corp. of Texas are named defendants on charges of monopolizing industry in restraint of trade. RKO in its application will contend that the court has no jurisdiction of it in Kentucky.

Order Zanuck Quiz In 'Lincoln' Suit

New York Supreme Court Justice Thomas F. Noonan yesterday directed Darryl F. Zanuck to submit to examination before trial in Los Angeles in connection with the suit of Robert E. Sherwood and The Playwrights Producing Co., Inc., against 20th Century-Fox Film Corp. Plaintiffs must pay costs of the examination under the order. Suit charges unfair competition with the Sherwood play "Abe Lincoln in Illinois" in the film "Young Mr. Lincoln."

Alperson Directed To File Details

Edward L. Alperson was directed yesterday by Federal Judge Samuel Mandelbaum to file a bill of particulars to his suit for $135,000 damages and 10,500 shares of Grand National stock for alleged breach of a contract of employment. Grand National Pictures, Inc., Educational Pictures, Inc., and Earle W. Hammons are named defendants in the suit.

BANNER RADIO LINES

By JACK BANNER

CAUSE FOR WORRY . . . In a Radio City corridor yesterday afternoon, John Royal paused to relate the following palatable information: Activity in the network's station relations department was at fever pitch because of the European situation when a phone call arrived from the station relations department. A voice in high dudgeon inquired why in blankety blank special events hadn't provided station relations with clearance on a scheduled program of a potato picking contest originating in Idaho! What special events told station relations may be learned by calling Royal.

Least enviable department to be attached to these days is special events. So harassed is this department that yesterday at CBS a must order was put through advising all departments save the executive department not to call special events by phone no matter how urgent the mission. At NBC, Abe Schechter, head of special events, recalled all department members who are attending the war maneuvers at Plattsburgh, while Bill Kostka, head of the network's publicity department, wired staff members attending the maneuvers to "forget sham war. Rush back immediately for real one."

Also badly overworked these days and nights are the telephone operators at the networks. Listeners by the hundreds are calling the webs each hour to check rumors that have alarmed them. The reports vary from declarations of war to assassinations of the leading political figures of the day.

SIX TO GO . . . When it was announced that Mutual had sewed up the World Series, doubts in many quarters was expressed that Mutual would be able to deliver the 150 stations it had guaranteed to deliver to the sponsor, for despite the size of the Mutual network, many of its stations are also identified with CBS and NBC. All doubts have been dissipated, however, for as of yesterday, all but six stations of the 150 had been lined up.

PRYOR SIGNED . . . Roger Pryor has been chosen master of ceremonies of the Screen Actors Guild series, which returns to CBS Sept. 24. Pryor was selected for the role which George Murphy held last season by a joint vote of the Motion Picture Relief Fund, Screen Actors, Screen Directors and Screen Writers Guilds, and the Association of Motion Picture Producers, all of which are contributing organizations to the guild radio series.

BAUKHAGE TO EUROPE . . . Baukhage, NBC's Washington commentator, flew to Europe yesterday on the *Dixie Clipper* to join the network's staff in covering the European crisis. He will work in Europe with Fred Bate, Max Jordan and John Gunther. Incidentally, Frank Mason, NBC vice-president, arrived in Berlin yesterday on the last leg of his vacation and there is every likelihood that he may remain in Europe as acting head of NBC's foreign corps. Mason is former head of the International News Bureau on the Continent, and opened the Bureau's INS office in Berlin.

ROAD SHOWING FOR HOLLYWOOD SERIES . . . Hormel, Inc., sponsoring the Hollywood series, "It Happened in Hollywood," which stars John Conti and Martha Mears, has decided to roadshow the program. Starting Sept. 4, the show will take to the road, broadcasting en route until the unit arrives in New York City late in the Fall.

HEDDA HOPPER ON AIR . . . Sunkist Oranges has signed Hedda Hopper to headline a new radio series, which will originate in Hollywood. starting sometime in October. Network, time and starting date remain to be decided.

EUROPE AT PLAY CANCELLED . . . For tonight, NBC had scheduled a program titled "Europe at Play." Emanating from Paris, London and Berlin, the program's purpose was to show that Europe, even on the brink of war, is capable of enjoying itself at folk games, in night clubs, etc. The program has been cancelled, for the Governments of England, France and Germany yesterday notified Radio City that the radio engineers designated to handle the program had been recruited for their respective armies.

Abbott, Costello Stay

Abbott and Costello, currently in "Streets of Paris" and for the past two seasons featured on the Kate Smith program, have been re-signed for the Smith series, which returns to CBS Oct. 6 in a Friday night spot at 8 P.M.

Halperin to N. Y.

NEW HAVEN, Aug. 24.—David Hale Halpern, who has been with WBRY for several years as manager, and has been working recently on building the newly affiliated CBS station in New Haven, has resigned to become associated with Henry Souvaine in New York in production.

'Golden Boy' to Be Dramatized on Air

A radio dramatization of "Golden Boy" will be presented on the "Magic Key" hour, Monday from 9 to 10 P. M., over the NBC Blue. Barbara Stanwyck, Adolphe Menjou and William Holden, stars of the film, and Lee J. Cobb, featured player, will appear in the roles they portray in the film.

Lowell Thomas will introduce the players and describe Columbia's search for a new personality for the title role.

To Represent WHN

Hal R. Makelin has been appointed Chicago representative of WHN. Up to this time, the station has been represented in Chicago by Edward Petry & Co.

Newsreel Parade

Europe may be on the brink of war, but fashions, jitterbugs and film stars are always newsworthy, and the cameras record light moments as well as dark, in the new issues. Reels and their contents follow:

MOVIETONE NEWS, No. 100—Sea[illegible]r post office in the Bahamas. President of Portugal visits colony in East Africa. Eightieth birthday of famous gold mine in British Columbia. Painting of Trylon and Perisphere at World's Fair. Hat fashions. Climbing of Mt. Olympus. Tennis at Brookline. Long-distance swim in California. Sheep-herding in Australia. Lew Lehr.

NEWS OF THE DAY, No. 298.—War crisis in Europe. Uncle Sam's new pilots. Story on jewels. Tennis doubles. Swim derby in Pacific.

PARAMOUNT NEWS, No. 111—European situation analyzed. Lawrence Tibbett concert. Tango and jitterburg dance contests. Dixie Clipper flies latest fashions across Atlantic. District Attorney Dewey visits birthplace.

RKO PATHE NEWS, No. 11—Troops on the move. Free Tibbett concert. New auto glass for vision. Rough water swim on coast. Tennis doubles.

UNIVERSAL NEWSREEL, No. 809—New army cadets. Royal air force in England. Mexican military parade. Marlene Dietrich arrives. Baby parade. New safety glass introduced. New and old fashions. Annual rough water swim. Cobb breaks speed record. National doubles championship.

Rules on Non-Flam To Appear in Fall

LONDON, Aug. 24.—New instructions to local authorities on the administration of the Cinematograph Act in regard to non-flam films will be issued this Fall by the Home Office. The regulations will follow recommendations of the Advisory Committee.

The regulations will deal almost entirely with safety precautions on the lines of those laid down by the committee, and will be in the form of a leaflet suggesting the most practicable manner of obtaining the cooperation of organizers of non-flam film shows.

Precautions recommended by the committee include secondary lighting in halls, provision of doors that either open outwards or are supervised by an attendant, and the clearance of a space around the projector.

Claim Color Television

Robert Lorenzen has obtained a patent on a method of producing natural color in television. It is claimed that the primary colors, in combination with a cathode ray tube, will reproduce upon the screen the televised pictures in natural color. George H. Callaghan, joint owner with Lorenzen, will market the product.

Cone to U. S. Record

William Cone of Boston has been named regional sales manager for New York State and New England for the United States Record Corp. Cone was recently sales manager of New England for Columbia Phonograph Co.

Gets News Spot

Kirsch Beverage Co. has signed a 52-week contract with WHN for United Press News from 10:45 to 11 P.M. Saturdays, starting immediately. Gussow-Kahn & Co. handles the account.

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 40 NEW YORK, MONDAY, AUGUST 28, 1939 TEN CENTS

New Theatre Construction Exceeds 1938

July Work Is $2,278,000 In Eastern States

Contracts for theatre construction awarded in July pushed the level for the first seven months of this year over the corresponding record for 1938.

Total valuation of contracts awarded for new or alteration work in the theatre field during July was $2,278,000, in the 37 states east of the Rocky Mountains, according to F. W. Dodge Corp. In 1938 the July figure was $1,555,000.

In addition to July, May was also ahead of last year, the comparative figures being $3,383,000 in 1939 and $1,514,000 in 1938. May so far has been the best month for projects reported.

At the close of the seven-month period, the 1939 contract level was at $13,916,000. The corresponding 1938 valuation was $13,641,000. The Dodge summary reveals that the number of projects and their total floor area has paralleled the contract valuation rise. A total of 474 projects was recorded during the seven months, made up of 1,749,000 square feet of floor space. For the same period in 1938, 472 projects including 1,725,000 square feet had been contracted for.

Dodge Reports emphasized the significance of the July increase by pointing out that after a general lag behind last year, a gain can be regarded as encouraging.

Producers Meet With Unions Here

Representatives of the four international unions which are signatories of the studio basic agreement met with producers' representatives at the Robert Treat Hotel, Newark, on Friday. Pat Casey, producers' labor representative, came from Hollywood to attend the meeting.

Business acted upon was described

(*Continued on page 6*)

N.L.R.B. to Hear Producers Tuesday

HOLLYWOOD, Aug. 27.—Producers on Tuesday will start presenting their side in the N.L.R.B. hearing on charges of Wagner Act violation involving writers filed against eight major production companies.

Alexander Wilson, Jr., N.L.R.B. attorney, closed his side of the case

(*Continued on page 6*)

Studio Publicists Get Five-Year Pact

Hollywood, Aug. 27. — Screen Publicists Guild has approved a proffered five-year contract with the producers calling for a Guild shop, minimum $100 weekly salary for senior workers and other conditions.

Junior workers will receive $50 weekly in the first year, with $55 and $60 progressively in the second and third years.

The agreement represents a compromise on several points which was reached after five months of negotiation. Final details are to be worked out.

War to Close All British Film Houses

LONDON, Aug. 27.—In event of war, all film theatres in Great Britain will be compelled to close for an unspecified elastic period.

Reopening in less vulnerable areas will be permitted as the situation develops.

London theatres will be closed not more than three or four weeks, it is expected.

It is hoped that eventually picture house entertainment throughout the country will again function within limits.

War Mobilization Slashes Manpower

Foreign department executives are faced with the problem of replacing manpower in European branches as a result of mobilization moves of several countries last week.

Sales representatives in Warsaw of virtually all companies either have

(*Continued on page 6*)

WARNERS TO HELP SOLVE CLEARANCE

A.F.L. Moves For Peace In Actor Dispute

HOLLYWOOD, Aug. 27. — American Federation of Labor officials here moved in secret conferences over the weekend to bring about settlement of the actors' dispute with the I.A.T.S.E.

One long session has already been held between Kenneth Thomson, executive secretary of the Screen Actors Guild and vice-president of the Associated Actors and Artistes of America, and John Gatelee and Frank Stickling, I.A. representatives.

Additional conferences are scheduled this week. J. W. Buzzell, executive secretary of the Central Labor Council of Los Angeles, and C. J. Haggerty, president of the California State Federation of Labor, are expected to sit in.

None of the conferees would disclose the basis on which the discussions are being conducted.

Strike Action Off Until October 9

Jurisdictional strikes between Associated Actors and Artistes of America and the I.A.T.S.E. appeared over the weekend to be postponed until Oct. 9.

Meanwhile, actors working in night clubs and vaudeville houses who at times also work in other acting fields are protecting themselves from becoming involved in union warfare by paying dues both to the American Federation of Actors, I.A. affiliate,

(*Continued on page 3*)

Sears Assures Cohen of Aid in Conciliating Theatre Disputes

Warners, in addition to setting up its own reforms in its 1939-'40 sales plan, regardless of a trade practice code, will actively work with exhibitors in ironing out clearance problems where it is concerned.

Gradwell L. Sears, general sales manager, has given this assurance to Max A. Cohen, president of New York Allied. Following a conference with Sears, Cohen advised members of his organization by special bulletin Friday of the offered concessions and declared:

"The most important point that should be of great benefit to every exhibitor in the state is the following:

"Grad Sears assured your president that he will favor conciliation on clearance problems where Warner Bros. is concerned and will step in actively to iron out problems relating to clearance in this territory.

"Conciliation now offers the exhibitor of this state a marvelous opportunity to accomplish progress even though, for the present, the matter of the code is delayed.

"Under the foregoing proposed method of operation, there is no doubt but that many of the other distributors will fall in line, and let's try and make it a point to show the rest of the country that exhibitors in New York state can and do settle their problems without the necessity of forced regulation."

New York Allied has been attempting to obtain clearance adjustments

(*Continued on page 2*)

Roosevelt Accepts With Reservations

HOLLYWOOD, Aug. 27. — James Roosevelt, vice-president of Samuel Goldwyn, Inc., has accepted with reservations the invitation of the Association of Motion Picture Producers to study problems confronting Hollywood producers, including inter-studio relationships.

Roosevelt, in a statement, said the following understandings were reached: "That the study would not involve a commitment to make specific recommendations unless such recommendations seemed advisable to Mr. Roosevelt. That it was understood by the Producers Association that Mr.

(*Continued on page 6*)

Key Grosses Show Sharp Upturn, Total $1,276,750

THEATRE grosses for the week ending Aug. 10-11, from 137 first run houses in key cities across the country, showed a marked upturn, the aggregate gross reaching $1,276,750.

The total shows a gain of $100,900 over the previous week, ending Aug. 3-4, when 140 theatres reported a total gross of $1,175,850. The aggregate for the most recent week was the highest since the week ending May 18-19, when 154 theatres reported a total gross of $1,318,300.

The upswing may be attributed to a marked extent to a group of outstanding pictures hitting the first runs during the week. They include: "Four Feathers,"

(*Continued on page 6*)

Del. Senate Delays Vote On Blue Law

DOVER, Del., Aug. 27.—The State Senate's Judiciary Committee here Friday refused to report out a resolution adopted by the House last night for nine-member commission to study Delaware Sunday Blue law revision for submission to the 1941 legislature.

Senator Paul Rinard of Wilmington, chairman of the committee, who has come out against delay in modernizing the Sunday laws, is holding the question over until tomorrow. Rinard said the committee probably will amend the resolution so that the commission will be required to make a report within 90 days instead of two years.

Nine Member Commission

The House resolution provides that the commission shall include four members from each branch of the legislature with a ninth member being elected by the eight others. Of four members from each House one will be from Wilmington and the other three from three counties.

The resolution provides for the appropriation of $500 to defray expenses. The blue laws prohibit Sunday films but amusement park and beach resort concessions have been operating on the Sabbath unmolested.

Monogram Board Meets Here Today

Monogram board of directors will meet at the company's home office here today. Scott Dunlap, vice-president in charge of production, and Trem Carr, board member, will arrive from the coast this morning to attend the meeting.

W. Ray Johnston, Monogram president, will accompany Dunlap to the coast in a few days and will remain there for an extended studio visit.

'Cavalcade' Sept. 29

HOLLYWOOD, Aug. 27.—The 20th Century-Fox preview of "Hollywood Cavalcade," at $11 per seat, will be held on Sept. 29 at the 4 Star Theatre in Los Angeles. The entire proceeds will be turned over to the Motion Picture Relief Fund.

N. Y. Labor Press For Eastern Films

George Meany, president of the N. Y. State Federation of Labor, says he has decided to put the entire pressure of his organization behind a drive to "compel" film companies to produce "at least 10 per cent" of their product in New York.

This is in line with a resolution introduced by Sol Scappa, head of the Studio Mechanics Union, Local 52, which was adopted at the recent Federation convention. Meany plans to start the campaign after Labor Day.

Purely Personal

Y. FRANK FREEMAN, in charge of Paramount studio operations on the coast, will arrive in New York today, accompanied by MRS. FREEMAN. He will spend about two weeks here in home office conferences. MRS. FREEMAN, after a few days here, will proceed to the Freeman home in Atlanta.

•

JOSEPH A. MCCONVILLE, Columbia foreign manager, will arrive in New York today from Europe on the *Normandie*. He has been abroad on company business for the past two months.

•

WILLIAM HOLDEN, who has the title role in Columbia's "Golden Boy," will go to Philadelphia today for a luncheon to the press there and will make a personal appearance tonight at the Mayfair Theatre, Asbury Park, where the picture opened Friday.

•

BABURAC PATEL, editor of *Filmindia*, and a member of the Central Board of Governors of the Indian Motion Picture Congress, arrives today on the *Normandie*. He is making a five-month tour of leading world film studios to study production methods.

•

GEORGE RAFT is due today on the *Normandie* from a vacation abroad and will leave immediately for the Warner studio for work in "Invisible Stripes," in which he will be co-starred with JAMES CAGNEY.

•

JOSEPH SEIDELMAN, Universal vice-president and foreign manager, postponed a projected trip to the coast last weekend because of the European situation. He may leave within a few days.

•

ROBERT SAUNDERS of the M-G-M script department, will arrive today for a three-week vacation, accompanied by his wife and ROBERT, JR. SAUNDERS is the son of EDDIE SAUNDERS, western sales manager.

•

GEORGE J. SCHAEFER, RKO president, arrived in New York from the coast on Friday.

•

O. C. DOERING, JR., of the RKO trustee's legal staff, has recovered from a mild attack of pneumonia and is vacationing in Wisconsin.

•

MONA RILEY, secretary to MATTHEW J. FOX, Universal vice-president, is dubious about this modern age. She blames the office cooling system for an obstinate summer cold.

•

ANTONIO A. ROMANO, general manager of Associated houses in Providence, has been moved to the Newport Naval Hospital, where he will be under treatment for several weeks.

•

AMBROSE CRAM, of the RKO trustee's legal staff, participated in the Army maneuvers at Plattsburg.

•

EDWARD MCBRIDE, manager of the State, Providence, is driving around in a new car.

•

J. D. TROP left for the coast Saturday night and plans to remain there indefinitely.

•

SAM SHAIN returns today from Towanda, Pa.

•

MITCHELL AZERIER of the Republic exchange here is vacationing upstate.

C. C. PETTIJOHN, general counsel of the M.P.P.D.A., arrives today on the *Normandie* after a visit to Italy, France and England. Other passengers are JOSEPH VON STERNBERG and JAMES STEWART.

•

DAVID ROSE, head of Paramount production in England, will sail next Wednesday on the *Queen Mary* scheduled to arrive in New York on Sept. 4, for conferences on Paramount British production plans. He is expected to bring with him a print of the recently completed film, "French Without Tears."

•

GUY P. MORGAN, United Artists' manager for Argentina, sailed Friday on the *Uruguay* for Buenos Aires. He has been in this country for several months, conferring with U. A. officials here and in Hollywood. He is accompanied by CLEMENTE LOCOCO, Buenos Aires circuit operator, and Spanish language film producer, who was a visitor here and on the coast.

•

WILLIAM HIFFNER, operator of the Academy Theatre, Lebanon, Pa., and his family; BOLIVAR HYDE, JR., city manager for the E. J. Sparks Circuit in St. Petersburg, Fla., and A. HIGGINBOTHAM, associated with the Saenger Circuit in New Orleans, are visiting the World's Fair.

•

FLORENCE BATES, who is a Pasadena grandmother, has been signed by DAVID O. SELZNICK (U. A.) for a role in "Rebecca." She had never been before a camera prior to a recent screen test by ALFRED HITCHCOCK, who is directing the picture.

•

WERNER JANSSEN and L. WOLFE GILBERT have completed a song, "Eternally Yours," which will be used as the theme number of the forthcoming WALTER WANGER (U. A.) film of the same name.

•

L. J. MCGINLEY, recently appointed assistant to E. J. HEINEMAN, Universal western sales manager, left the studio Friday to continue his air tour of branches. He was in Detroit Saturday.

•

ANNA NEAGLE, who plays the title role in "Nurse Edith Cavell," was elected an honorary member of the Women's World War Veterans at a luncheon at the World's Fair on Saturday.

•

OSCAR A. DOOB and ART SCHMIDT of Loew's were hosts to JACK MOFFITT and BOYD MARTIN, Kansas City and Louisville film critics, at "21" Friday.

•

DAME MAY WHITTY, English actress, flew to the coast Saturday via American Airlines to appear in SAMUEL GOLDWYN'S production, "Raffles," to be released by United Artists.

•

EDNA BEST has been signed by GENE TOWNE for the role of wife and mother in RKO's "Swiss Family Robinson."

•

MARIS WRIXON, Warner player, has been awarded a new contract.

•

GUSTAV MACHATY, director, and ROBERT LEES, writer, have been given new contracts by M-G-M.

Warners Aid Is Promised In Clearance

(*Continued from page 1*)

for independents in upstate New York cities.

Ed Kuykendall, president of the M. P. T. O. A., over the weekend issued a statement praising Sears on his action and declaring that it "shows the courage of his convictions in making this announcement without the entangling restraint of the code."

Kuykendall's statement follows:

"The trade practice announcement of Warners through Grad Sears is very encouraging and while it does not cover all the angles M. P. T. O. A. feels should prevail, it is a definite step forward in bringing about a happier relationship between distribution and exhibition.

Kuykendall Hopeful

"Mr. Sears shows the courage of his convictions in making this announcement without the entangling restraint of the code.

"M. P. T. O. A. has insisted from the beginning that distributors could and should promulgate fair trade practices by putting them into effect. It is forward looking policies like this that will take the sting out of that pitiful minority in this industry that want to keep dissension and hatred going to keep their own jobs.

"I am hopeful other distributors will follow Warners' lead. My congratulations to Grad Sears."

I. T. O. of California Favors Negotiation

LOS ANGELES, Aug. 27.—Board of directors of I.T.O. of Southern California has gone on record as seeking to continue discussions with distributors looking to solution of industry problems.

The board did not take a stand on the Department of Justice rejection of the proposed code, but declared it in the best interests of the industry to seek to solve problems by conference.

Annual membership meeting is scheduled for Sept. 8, with officers to be elected.

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A.F.L. Moves For Peace In Actor Dispute

(*Continued from page* 1)

and the American Guild of Variety Artists, the 4-A branch.

After a long conference Friday, Vinton Freedley, producer of "Leave It to Me," won permission from Equity to postpone his show until Oct. 9, at which time he must be ready to reopen with a substitute for Sophie Tucker, A.F.A. president, who has been suspended indefinitely by Equity.

Freedley, who was aided by James F. Reilly, executive secretary of of League of New York Theatres, sought permission from Paul Dulzell, Equity executive secretary, to cancel the show which was to have opened Sept. 4. He pointed out that the I.A. had announced its intention of not permitting stagehands to work if Miss Tucker was out of the show. Freedley, who was caught between warring factions, asked that he be permitted to close the show and relieved of the necessity of paying each of the 70-odd members of the cast the two-weeks' dismissal pay to which they are entitled.

Not "Overt Act"

Dulzell pointed out that the statement by the I.A. was not "an overt act," and that Freedley would be required to proceed until some definite move would be made by the stagehands. He was told by Dulzell that if he found a substitute for Miss Tucker and made all necessary arrangements to reopen the show, he could then wait for the stagehands to strike. If the latter did so, Freedley would be relieved of all further obligation under an "escape clause" in his contracts which provide for cancellation in the event of a strike.

Freedley somewhat wearily accepted this interpretation and agreed to look for a substitute before the Oct. 9 deadline. He would make no comment.

First Move by I.A.

It was apparent that Equity was attempting to force the stagehands into a situation where they would be compelled to make the initial step in the union war. As soon as they do, the Screen Actors Guild is expected to declare a strike on the coast in retaliation.

Both groups appear to be preparing for eventualities. The 4-A announced that it was starting a weekly newspaper which will go out to its entire 30,000 members. The A.F.A., on the other hand, is scheduled to move into considerably larger headquarters today.

Vaudeville and night club performers who also work in Equity, S.A.G. or American Federation of Radio Artists jurisdiction, have been caught between conflicting demands, particularly on the coast. The 4-A unions demand that they join A.G.V.A. under threat of expulsion. On the other hand, the A.F.A. has closed shop agreements with many night clubs and will refuse them to work unless they are in good standing with the A.F.A.

In order to insure their good standing with both groups, many performers are paying dues to both. Ordinarily, any association with a dual union operating in the same jurisdiction would be grounds for expulsion, but both Ralph Whitehead, A.F.A. executive secretary, and Maida Reade, A.G.V.A. executive secretary, have declared that they will take no steps against rank and file members who join the opposition group. However, disciplinary measures against leaders is likely, as in the case of Miss Tucker.

The 4-A steering committee on Friday approved the adjournment of the Equity trial of Harry Richman, A.F.A. vice president, until Sept. 26, but ruled there must be no further postponements.

See New Italy Openings For English Producers

By AUBREY FLANAGAN

LONDON, Aug. 27.—New opportunities for British films in Italy are forecast in more optimistic producer circles, as a result of the conversations which have been going on in Rome between Neville Kearney and the Italian authorities.

Kearney has reported back to England satisfactorily on negotiations which concern the releasing of British films throughout Italy, and a change in the financial arrangement made between both sides of the bargain.

British producers have long been dissatisfied with the flat rate terms made for their films and would prefer to have them distributed in Italy on a sharing basis.

The absence of American distributors from the Italian market is spurring British producers to intense activity on the Italian front, in the belief that the Italian hand will be forced by a considerable film shortage.

This attitude of commercial appeasement is, of course, responsible for the limited support British producers have given the Venice Festival.

Following the Home Office Advisory Committee's report on non-flam, with the suggestion that control is a matter for local authorities, the Institute of Amateur Cinematographs may launch a test case to challenge any such move.

The Surrey County Council also will consider the position of non-flam films at a meeting to be held in October.

The Colonial Empire Marketing Board is planning a series of films to tell the world about the British Empire. Already one film is in production dealing with the administrative and social welfare services in British dependencies. A series of shorter films will be made later.

A drop in film imports for July this year over the same period in 1938 is recorded in figures issued by the Board of Trade. The drop amounts to 44 per cent.

Exports of exposed cinematograph film decreased by 200,000 feet last month as against July last year. Footage in July was 1,650,145 against 1,866,792 last year.

Imports of exposed film last month were lower than the same month in 1938. Only 919,983 feet were imported against 1,324,840 feet in July last year.

A report on the first few months' work of the Workers' Film Association, blessed by the Trade Union Congress is issued in the T.U.C.'s annual report to be submitted to the Bridlington Congress next month.

It is stated that thousands of film hirings have been arranged, much equipment sold and commissions received for the production of documentary films on behalf of trade unions and other organizations.

Seattle Dull, But 'Stanley' Does $7,600

SEATTLE, Aug. 27.—"Stanley and Livingstone" and "Quick Millions" at the Paramount took $7,600 to lead the city in a week of low grosses, for which circus competition and hot weather were largely responsible. No other house but the Paramount even reached average business.

Estimated takings for the week ending Aug: 25:

"When Tomorrow Comes" (Univ.)
"Charlie Chan in Reno" (20th-Fox)
BLUE MOUSE—(950) (25c-30c-40c-55c) 7 days, 2nd week. Gross: $3,300. (Average, $4,000)
"Bachelor Mother" (RKO)
"On Borrowed Time (M-G-M)
Fifth Avenue—(2,500) (25c-30c-40c-55c) 7 days., 2nd week. Gross: $6,700. (Average, $7,000)
"The Man They Could Not Hang" (Col.)
"Parents on Trial" (Col.)
LIBERTY—(1,800) (25c-30c-40c-55c) 7 days. Gross: $3,700. (Average, $5,000)
"Goodbye, Mr. Chips" (M-G-M)
MUSIC BOX—(950) (25c-30c-40c-55c) 7 days, 8th week. Gross: $3,100. (Average, $5,000)
"The Magnificent Fraud" (Para.)
"Indianapolis Speedway" (W. B.)
ORPHEUM—(2,450) (25c-30c-40c) 7 days. Gross: $4,200. (Average, $6,000)
"Heritage of the Desert" (Para.)
"Smuggled Cargo" (Rep.)
PALOMAR—(1,500) (15c-25c-30c-40c) 7 days. Vaudeville on stage. Gross: $4,700. (Average, $5,000)
"Stanley and Livingstone" (20th-Fox)
"Quick Millions" (20th-Fox)
PARAMOUNT—(3,050) (25c-30c-40c) 7 days. Gross: $7,600. (Average, $6,000)

'Oz' Is Providence Winner at $14,000

PROVIDENCE, Aug. 27.—Strong features brought a general upswing in business, with "The Wizard of Oz" at Loew's State taking $14,000 and "Bachelor Mother," paired with "The Saint in London," reopening the RKO-Albee for a good $8,200.

Estimated takings for the week ending Aug. 22-24:

"The Wizard of Oz" (M-G-M)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $14,000. (Average, $11,000)
"Bachelor Mother" (R-K-O)
"The Saint in London" (R-K-O)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days. Gross: $8,200. (Average, $6,000)
"Stanley and Livingstone" (20th-Fox)
"Quick Millions" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $7,800. (Average, $7,000)
"Night Work" (Para.)
"This Man Is News" (Para.)
STRAND—(2,100) (25c-35c-50c) 6 days. Gross: $3,200. (Average for 7 days, $6,000)
"Winter Carnival" (U. A.)
"Miracles For Sale" (M-G-M)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $2,000. (Average, $3,500)
"Man About Town" (Para.) (3 days)
"Undercover Doctor" (Para.) (3 days)
"Second Fiddle" (20th-Fox) (4 days)
"On Borrowed Time" (M-G-M) (4 days)
EMPIRE—(2,200) (20c-30c) 2nd week. Gross: $3,000. (Average, $2,500)

Action on 'Juarez' Is Pressed by Diaz

MEXICO CITY, Aug. 27.—Although Warners won a point in the controversy involving "Juarez," in which Porfirio Diaz, Jr., son of the late president of Mexico, claimed the film defames his father, the plaintiff has asked for an injunction from the district court, to upset the Federal Prosecutor's rejection of Diaz' complaint.

The plaintiff claims his charges are justified and that he has an abundance of proof to substantiate them.

Depositions Taken In B. & K. Action

CHICAGO, Aug. 27.—Further depositions will be taken this week from Sam Myers, independent exhibitor, in the anti-trust suit of Frank Ford against B. & K. and the major companies.

Myers on Friday was questioned by Attorney Lewis Jacobson regarding the competition he has encountered from B. & K. while operating theatres in this area.

Major company lawyers are conferring in preparation for reopening of the Government trial here Sept. 5.

Metro Buys Original

HOLLYWOOD, Aug. 27.—M-G-M has acquired motion picture rights to the screen original "Life Begins Tomorrow," by Margaret LeVino and Katrin Holland.

Warner Promises Big English Films

LONDON, Aug. 27.—Harry Warner, president of Warner Bros., has promised large scale pictures at the Teddington Studio, where Warner British product is produced. The larger films will be made more or less on an experimental basis, the executive said, but he would indicate no numerical program.

The company at the moment is considering a new treatment for "Disraeli," with special reference to the Suez Canal and the position of contemporary England. Warner indicated that he hoped to persuade Claude Rains to play the title role, perhaps with Edmund Goulding as director. Alternatively, the company may make a film on the life of Baron Reuter, and also is considering a picture on the life of Cunard.

Warner frankly referred to the losses on previous films made at Teddington, but expressed satisfaction with the current output, which is ready for exhibition. Warner has booked passage on the *Queen Mary*, which sails from England on Wednesday and is due in New York Sept. 4.

Howard Funeral Held

TYRINGHAM, Mass., Aug. 27.—Sidney Howard, playwright, who died after an accident on his farm Wednesday, was buried here yesterday after funeral services at the Union Church.

Bigger than the BIGGEST in 3 years

RKO RADIO PICTURES



"IN NAME ONLY" *now opening to the same kind of business in pre-release key runs Coast to Coast!*

THAT'S THE KIND WE MEAN WHEN WE SAY **BIG ONES** FROM RKO RADIO!

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OPENING DAY AT RADIO CITY MUSIC HALL $1,000 BETTER THAN FIRST DAY OF "IN NAME ONLY"*... WHICH HIT THE THREE-YEAR TOP FOR ANY RKO RADIO PICTURE!

SECOND DAY AND WEEKEND POINT TO ANOTHER RKO RADIO ATTRACTION IN THAT SENSATIONAL $100,000-A-WEEK CLASS!

Ginger
ROGERS

"FIFTH AVENUE GIRL"

WALTER CONNOLLY ★ VERREE TEASDALE ★ JAMES ELLISON
TIM HOLT ★ KATHRYN ADAMS ★ FRANKLIN PANGBORN ★ PRODUCED AND DIRECTED BY
PANDRO S. BERMAN IN CHARGE OF PRODUCTION • SCREEN PLAY BY ALLAN SCOTT • **GREGORY LA CAVA**

War to Close All British Film Houses

(Continued from page 1)

been called out themselves or have had their sales and distribution staffs depleted by the war preparations. In addition, the Paris operations of many companies have been similarly affected and, in lesser degree, so have those in London.

The replacement of this manpower is one of the most immediate problems confronting American companies as a result of the European situation. At the moment, all that can be done is to await developments to determine whether or not replacements will have to be made and on what basis.

Most serious effect of the war preparations, if they continue, will be felt in the London and Paris studios. New York executives believe that American production activities in London will be halted first if the situation does not improve and that, subsequently, virtually all production in both capitals would come to a standstill.

Big Films in Work McCormick Reports

Several of RKO's most important productions of the new season are now before the cameras or in preparation and a steady succession of new releases for the Fall will be ready in the near future, S. Barret McCormick, RKO advertising and publicity director, said yesterday on his arrival in New York from a three-week visit at the studio.

Following the company's release of "Fifth Avenue Girl," "Nurse Edith Cavell," "Full Confession" and "Flying Deuces," all of which are completed, RKO will have "Allegheny Frontier" and "Hunchback of Notre Dame" for Fall release. The latter two are in work now and the studio is watching progress on them with keen enthusiasm, McCormick said. This is particularly true of "Hunchback," which stars Charles Laughton. The work of a newcomer, Maureen O'Hara, in a supporting role in the picture is responsible for considerable excitement about the studio, he reported.

Production on "Vigil in the Night," interrupted recently by the illness of Carole Lombard, will be resumed in the near future, and "Swiss Family Robinson," now in preparation, will go before the cameras soon.

It's Dangerous

Albany, Aug. 27.—Sunday gifts were advertised by Neil Hellman, independent operator of the Paramount here, on its reopening. Hellman gave a large butcher knife to every lady attending the matinee and evening performances.

Key Grosses Show Sharp Upturn, Total $1,276,750

(Continued from page 1)

"Andy Hardy Gets Spring Fever," "Hotel for Women," "Bachelor Mother," "Each Dawn I Die," "They Shall Have Music," "Goodbye, Mr. Chips" and "The Man in the Iron Mask."

Following is MOTION PICTURE DAILY's tabulation of weekly key city grosses since last September:

	No. Theatres	Gross
Sept. 8-9, 1938	138	$1,572,099
Sept. 15-16	137	1,407,481
Sept. 22-23	138	1,382,059
Sept. 29-30	137	1,398,438
Oct. 6- 7	137	1,519,793
Oct. 13-14	138	1,429,288
Oct. 20-21	138	1,430,924
Oct. 27-28	140	1,394,023
Nov. 3- 4	142	1,353,407
Nov. 10-11	141	1,386,939
Nov. 17-18	143	1,323,918
Nov. 24-25	141	1,283,153
Dec. 1- 2	142	1,461,730
Dec. 8- 9	140	1,275,136
Dec. 15-16	134	1,159,371
Dec. 22-23	139	1,041,911
Dec. 29-30	150	1,562,044
Jan. 5- 6, 1939	151	1,829,822
Jan. 12-13	145	1,372,400
Jan. 19-20	146	1,368,322
Jan. 26-27	145	1,345,715
Feb. 2- 3	147	1,469,400
Feb. 9-10	147	1,494,600
Feb. 16-17	146	1,393,100
Feb. 23-24	147	1,417,700
March 2- 3	146	1,400,000
March 9-10	147	1,352,050
March 16-17	155	1,366,800
March 23-24	154	1,439,600
March 30-31	151	1,322,225
April 6- 7	151	1,283,100
April 13-14	154	1,639,300
April 20-21	149	1,432,900
April 27-28	151	1,401,600
May 4- 5	154	1,386,280
May 11-12	155	1,352,845
May 18-19	154	1,318,300
May 25-26	155	1,274,050
June 1- 2	153	1,256,050
June 8- 9	143	1,141,700
June 15-16	141	1,133,950
June 22-23	137	1,150,960
June 29-30	138	1,168,750
July 6- 7	125	1,159,550
July 13-14	136	1,146,600
July 20-21	136	1,130,620
July 27-28	136	1,190,000
Aug. 3- 4	140	1,175,850
Aug. 10-11	137	1,276,750

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Producers Meet With Unions Here

(Continued from page 1)

as of no significance. Wage and hour terms were not discussed, it was said, nor was an extension of the basic agreement considered. The I.A.T.S.E. was not represented at the session, having withdrawn from the agreement some time ago.

Representatives of the American Federation of Musicians, I. B. of Teamsters & Chauffeurs, I. B. of Carpenters & Joiners, and I. B. of Electrical Workers attended, also the following company representatives: Austin Keough, Paramount; Matthew J. Fox, Universal; Eugene Picker, Columbia; W. C. Michel, 20th Century-Fox; George J. Schaefer, RKO; Nicholas M. Schenck, M-G-M, and Harry Buckley, United Artists.

A second meeting will be held in a few weeks, a definite date not having been set yet.

N.L.R.B. to Hear Producers Tuesday

(Continued from page 1)

on Friday before Trial Examiner J. J. Fitzpatrick.

The producers asked for a recess until Tuesday to prepare their case that film production is not in interstate commerce and therefore not subject to the Wagner Act in this instance.

Details of unsuccessful negotiations between the Screen Writers Guild and the producers were detailed from the witness stand by Charles Brackett, SWG president, and Phil Dunne, member of the Guild's negotiating committee.

Anthony Veiller, writer and now an associate producer, told of an alleged "blacklist" threat by B. B. Kahane should the SWG affiliate with the Authors League. Others testifying were Morrie Ryskind, Francis Faragoh, Saul Elkins, Sam Duncan, Frank Partos and Robert R. Presnell.

Mexico Asks Pictures Free Of Distortion

By JAMES LOCKHART

MEXICO CITY, Aug. 27.—That pictures produced in the Americas shall not distort history is the gist of a resolution fathered by Manuel Arocha, Venezuelan Minister to Mexico, which was unanimously adopted by the 27th annual international convention of Americanists, students of all phases of American affairs, held here. Arocha was Venezulean delegate to the session, which was attended by about 400 other representatives of the United States, Mexico, other American and some European countries.

"Efforts must be made to prevent motion pictures from making ridiculous caricatures of outstanding figures in public life of American countries as this will dangerously influence the opinion of this and other generations regarding history, besides serving to discredit the people who shaped our nations and our nationalities," the resolution read.

Mexico, with the aid of the government of California, is planning to present her side of the oil question in the form of a picture, says an official Mexican Government announcement. Charles A. Page, private secretary of the California Governor, is here making arrangements for the picture, which, says the announcement, will involve Paul Muni, Ralph Bates and George Stevens. The statement asserts that a $30,000 fund has been gathered to finance the picture which is intended to "counteract the calumnious and perfidious campaign against Mexico that some American oil companies are waging."

Roosevelt Accepts With Reservations

(Continued from page 1)

Roosevelt was free to contact any and all the members of the industry during the course of the studies. That no stipulations of secrecy should be attached to the investigation or its results."

Roosevelt stressed to Joseph M. Schenck, A.M.P.P. president, that he fully realized the vastness of the problems involved and that such study due to his unfamiliarity with many aspects of the industry would require considerable time.

Plans Portable Circuit

DENVER, Aug. 27.—A circuit of five towns, operated with portable equipment, is being reopened for the Autumn and Winter by Rev. O. Martorell of San Luis, Col. Besides San Luis, Martorell operates in Chama, Ft. Garland, San Pegro and Capulin, all in Colorado.

Has Chatterton Film

Select Attractions, Inc., are releasing "A Royal Divorce," featuring Ruth Chatterton and Pierre Blanchar, and directed by Jack Raymond. The film will open Sept. 1 at the Esquire, Los Angeles.

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Haifa, July 14, 1939 חיפה,
Phone 1017 טלפון P.O.B. 634 ת. ד.

The Editor
Motion Picture Herald
1270 Sixth Avenue
New York, N.Y.

Dear Sir,

As exhibitors in some or our cinemas of films in the French and other foreign languages, may we suggest that it would be a great help to the exhibitors of such films if in your reviews of pictures of the nature stated above you would give the original title of the film in addition to the English title.

As instances we would quote the following:-

"Abused Confidence" (Abus de Confiance) reviewed in your issue of 10.12.38.

"The Human Beast" (La Bete Humaine) reviewed in your issue of 1.4.39.

We believe that it would greatly facilitate the exhibitors' tracing of foreign film reviews in your publication by having the original title in addition to the English title given, and it would also make the indexing of these much easier.

Yours faithfully,

QUIGLEY PUBLICATIONS
Rockefeller Center
New York City

Deals for 8 Programs Are Closed at CBS

A peak in Fall business, new and renewal, was achieved at CBS Friday, when contracts were delivered for eight programs.

General Foods signed two renewal orders and one for a new series, beginning Oct. 9. The pacts are for the return of the Kate Smith noonday commentary series, Monday through Friday, over 63 stations, under joint sponsorship of Calumet & Swansdown Baking Powder and Diamond Crystal Salt, the former placed through Young & Rubicam, the latter through Benton & Bowles; "Joyce Jordan, Girl Interne," script series, which, beginning Oct. 9, will be presented at a new time, 3 to 3:15 P. M., over 60 stations, Mondays through Fridays with Calumet and Swansdown sponsoring. The new series for General Foods is "My Son and I," a script serial, to be heard from 2:45 to 3 P. M., also starting Oct. 9. Contract for "My Son and I" was placed through Young & Rubicam, as was the "Joyce Jordan" pact.

Orson Welles Continues

Campbell's Soup Co. will open Sept. 10. The contract is for 39 weeks, through the Ward Wheelock agency, with Orson Welles continuing in the series.

Colgate-Palmolive-Peet, intensifying its campaign on CBS, signed for another hour similar to the Thursday night 8 to 9 period occupied by "Ask It Basket" and "Strange as it Seems." Beginning Oct. 21, from 8 to 8:30 P. M., the company will present the "Gangbuster" series, and from 8:30 to 9 P. M., Wayne King in a new series of musical programs. Benton & Bowles placed both orders.

Procter & Gamble will be the new sponsor of "Professor Quiz." Program is to begin Sept. 8, 7:30 to 8 P. M. over a network of 53 stations. Kastor & Son, Chicago, is the agency.

California Fruit Growers will present Hedda Hopper in a new series of film gossip and interview programs over CBS, beginning Nov. 6. Program will have a Monday, Wednesday and Friday schedule from 5:15 to 6:30 P. M., and will originate from KNX, Hollywood. Lord & Thomas placed the business.

Museum Sets Film Showings of Week

The Museum of Modern Art has scheduled another group of early films to be shown daily during the current week, in its Cycle of Seventy Films. The various types of pictures to be shown are as follows.

Today—A second group of comedies, including a Mack Sennett subject and a Harold Lloyd comedy. Tuesday — The Swedish-American film. Wednesday — The German-American film. Thursday—First of two groups of gangster films. Friday—End of the Silent Era. Saturday—The Talkies Arrive, with scenes from "The Jazz Singer." Sunday—The musical comedy film. Monday—The second group in the gangster film showings.

BANNER RADIO LINES

By JACK BANNER

HELEN HAYES BACK ON AIR . . . A peak Sunday audience for the "Campbell Playhouse" series is assured, for in addition to having Orson Welles, the program will boast the presence of Helen Hayes, whose signature to appear with Welles has just been affixed to a contract. Miss Hayes will be heard in six of the 39 broadcasts, or two appearances in each of three 13-week cycles. She will do no other radio work during the 1939-1940 season. There is no hint of how much money Miss Hayes will be paid for her microphonic acting, but a safe guess is about $4,000 a night.

The stars will open the series with a performance of "Peter Ibbetson," in the New York studios. The first four broadcasts are to originate in Manhattan, with the remainder to come from Hollywood to enable Welles to fulfill his acting-writing-producing contract for RKO.

STROMBERG-CARLSON TO TRY PROGRAM . . . Stromberg-Carlson will sponsor a new series of recorded music over WQXR, three evenings weekly. WQXR was selected because their high fidelity transmission is particularly suited to the selling of high fidelity radio receivers.

DOROTHY THOMPSON SIGNED AS COMMENTATOR . . . NBC has signed Dorothy Thompson to do a special series of nightly commentaries on the European powder-keg situation.

PERSONALS . . . John Churchill, chief statistician for CBS, will be married today, while the marriage of NBC's chief statistician, Hugh Bevill, is also expected momentarily. . . . Frank Roehrenbeck, general manager of WHN, will return from his Alexandria Bay fishing trip today. . . . Alton Cook, the *World-Telegram's* radio editor, finishes a three-week vacation this morning. . . . Oscar Bradley has just signed a contract renewal for his second season as bandleader on the Screen Actors Guild series.

FREE IF SOMEONE WANTS IT . . . At CBS there is a half a bale of alfalfa which the network will gladly give away free to anyone who wants to accept it. The alfalfa was bought as a promotion stunt for artist "Uncle Jonathan," who conducts a rural comedy over a mythical network he calls the "Alfalfa network." Strands of alfalfa have been sent by CBS to all radio editors and writers and now CBS is anxious to dispose of what remains of it, particularly as the network's hay fever sufferers are beginning to complain about its presence.

WEB WAR WATCH . . . CBS, NBC and Mutual kept 24-hour vigil through the week-end days as European events swiftly headed toward conflict. Staffs were kept going on coffee, sandwiches and coca-colas, with some scotch for good measure.

Crites Asks New Trial

Notice was filed on Friday in the U. S. District Court by Virgil C. Crites that he will apply on Sept. 5 for a new trial in his suit against Warners, Radtke Patents Corp., Albert A. Radtke, United Research Corp. and Leonard Day, which charged infringement of his patent called "method and means for optically reproducing sound." Federal Judge Mortimer W. Byers in July after trial dismissed the suit.

Cincinnati Golf Tourney

CINCINNATI, Aug. 27. — Approximately 300 divot diggers participated in the fourth annual Variety Club golf tournament at Summit Hills Country Club. Dwight Jones, operator of the Markay, at Jackson, O., turned in an 83 as the lowest score among the members. Proceeds will be turned over to the St. Mary's Hospital Milk Fund.

To Quiz Katherine Moog

Warners filed notice on Friday in the U. S. District Court that it will take the testimony of Katherine Moog on Sept. 18 in the Warner offices. Miss Moog is plaintiff in a suit for $75,000 damages against Warners, charging libel in the picture, "Confessions of a Nazi Spy."

Yiddish Film at Waldorf

A Yiddish film, "A Brivele der Mamen," released here by Joseph Green's Sphinx Film Co., will open at the Waldorf Theatre on Sept. 14.

Three Companies Formed

ALBANY, Aug. 27.—Three concerns have been licensed to conduct motion picture enterprises. They are: Audiences, Inc., by Harold J. Sherman. Etta Zwilling and Rose Hummel of Brooklyn; Dwal Productions, Inc., by Herman I. Meltzer, Ruth Hirsch and Ann Kira, New York, and K. H. Amusement Corp., by Edwin H. Kahn, Nathan Dorfman and Abbey L. Warshauer, New York.

Delay Drive-In Case

MILFORD, Conn., Aug. 27.—The public nuisance case brought by 12 nearby residents against the Milford Drive-In Theatre, first drive-in in the state, has been postponed for hearing to Aug. 29. The management, meanwhile, is building new towers to lower the speakers, and eliminate some of the noise alleged to be menacing the health and property of the plaintiffs.

Polio Hits Theatres

ATCHISON, Kan., Aug. 27. — For four weeks the theatres here have been practically empty in face of the local infantile paralysis ban, which included prohibition of children at films. However, Dr. W. K. Fast, health officer, has announced that the ban would be lifted this week.

French Film to Open

Transatlantic Distributors, Inc., will open the French film, "Conflict," starring Corinne Luchaire, at the Little Carnegie Playhouse next month.

Big Army Contract

Washington, Aug. 27.—The War Department has awarded two contracts totaling $2,678,852 to the General Electric Co., Schenectady, N. Y., for radio transmitting equipment, with spare parts and accessories, for installation in army planes.

CBC Head Denies BBC Tieup in War

MONTREAL, Aug. 27.—Reports that the Canadian Broadcasting Corp. would come under British Broadcasting Co. jurisdiction in event of war are denied by Leonard W. Brockington, CBC board of governors chairman, who returned Friday from England. He said there would be no question of a tieup.

"There is no plan to correlate the English and Canadian policies in event of an emergency," he said. Brockington admitted that during his visit in London he was given detailed confidential information regarding the BBC functions should war break out. He said he discussed a wider range of exchange programs with BBC.

Brockington denied also that CBC planned taking control of all private Canadian stations. "We plan merely supervision of the networks," he said. "The matter has been grossly exaggerated."

He reiterated the suggestion that Canada establish a national short-wave station for publicity and propaganda purposes.

AFRA Convention Discusses Relief

CHICAGO, Aug. 27.—American Federation of Radio Artists adjourned its second annual convention here today after delegates voted to support the Wagner Act, recommended restoration of the Federal Theatre Project, elimination of the 130-hour provision and elimination of the provision for Federal relief for only 18 months.

Emily Holt, executive secretary, and George Heller, associate secretary, were instructed to confer with I. B. Korngold regarding radio writers' problems. Transcription problems were discussed.

The convention has been harmonious throughout. A party was held Friday night.

Melton CBC Guest

TORONTO, Aug. 27.—James Melton will be the guest artist on the CBS national network with the Toronto Promenade Symphony Orchestra under the direction of Reginal Stewart, on Aug. 31, one hour of the concert to be broadcast as an exchange feature over the Blue Network of NBC.

KDKA Plans Television

PITTSBURGH, Aug. 27.—KDKA will conduct television demonstrations at the Allegheny County Fair at South Park, Aug. 29 to Sept. 4. One of the Fair buildings will be designated as the Temple of Television. Telecasting and receiving will be demonstrated.

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 41 NEW YORK, TUESDAY, AUGUST 29, 1939 TEN CENTS

British Issue War Orders For Theatres

Shows May Be Permitted During Daylight

LONDON, Aug. 28.—The British Government Home Office today issued detailed regulations governing the opening, lighting and staffing of places of entertainment, with regard to the safety of audiences and the training of personnel for operation in case an emergency arises.

As was indicated yesterday, all places will be compelled to close for an indefinite, elastic period, and reopenings will be permitted in certain less vulnerable areas, subject to the local authorities and the police in those areas.

The possibility has been suggested of theatres opening for the daylight hours only, with restricted audiences, and taking into account the facilities by which the audiences may reach bombproof shelters.

Film houses are required on reopening to make auditoriums proof against splinters and blasts and to provide adequate shelter for personnel. A member of the theatre staff must be constantly on the alert for warning signals. The audience must be advised to quit the theatre at the warning of a raid, but the performance should continue during the attack for those who are unable to reach home.

Fire fighting equipment is required, with a fire party constantly on the premises. Also the entire theatre staff must be trained in first aid and anti-gas treatment, at the theatre's expense.

Alabama's ASCAP Bill Recommended

BIRMINGHAM, Aug. 28.—The Senate Judiciary Committee of the Alabama legislature has reported favorably on the Stakely bill aimed at Ascap.

The bill was urged by Alabama radio stations, many hotels and other businesses which the committee was told have suffered heavily because of music charges.

The Stakely measure would require the association to pay a three per cent annual state gross receipts tax and would prevent the association from charging broadcasters and others a flat fee of from $500 to $1,000 a year, plus five per cent of the gross revenues of any company playing the copyrighted music.

Paramount Issues War Crisis Special

Paramount News yesterday morning shipped to all accounts a newsreel special, 36 hours ahead of the usual time, and beating by that margin all other reels. It is of unusual length, running about 1,300 feet.

The special, of course, is devoted wholly to the European crisis, and is made up largely of material flown here by Clipper plane, which arrived Sunday. The Paramount News staff worked all day and night Sunday, in order to prepare the reel for shipment by yesterday morning.

Scenes are included from France, Danzig, Germany, Gibraltar and England, plus reactions in this country. Frank Gallop was the announcer.

UA Files Answer In Trust Action, Seeks Dismissal

United Artists Corp. filed answer yesterday in the U. S. District Court to the Government's anti-trust suit against the majors, in which it asked for a dismissal in behalf of itself, James Roosevelt, Harry D. Buckley, Arthur W. Kelly, Harry J. Muller, Dennis F. O'Brien, Edward C. Raftery, Emanuel Silverstone and Theodore Caruso, United Artists officers and directors.

The answer, last to be filed by a major company, disclaimed knowledge

(Continued on page 6)

War Clouds Speed Return Home of Film People from Abroad

War clouds over Europe are speeding American film folk to home and safety.

The *Normandie*, which arrived yesterday seven hours ahead of schedule, brought a score of persons in films, among them C. C. Pettijohn, general counsel of the M.P.P.D.A.; Harry Cohn, president of Columbia, and Joseph A. McConville, general foreign sales manager; Russell Muth, general European chief for Movietone News; J. J. Milstein, Edward Small's eastern representative; Sonja Henie and Constance Bennett.

Others Rushing Back

Others are curtailing business trips or vacations to take the first available ship out of England or France. H. J. Yates, president of Consolidated Film Industries, who is in England with his family and Gene Autry, informed his office yesterday by cable that he had planned to sail Sept. 7 but instead is making an effort to secure passage on the *Queen Mary*, which is due to leave tomorrow and arrive here next Monday.

Bill Saal of Republic, who is with the Yates-Autry party, may take the clipper back.

Also due on the *Queen Mary*, if it sails, are Mr. and Mrs. Harry Warner, David Rose, Paramount's British chief, and Dan Carroll, Australian circuit head.

Jack Warner is booked to sail on the *Narmandie* tomorrow, but latest word from the coast is that he has deferred a trip to England in connection with British production.

The *Nieuw Amsterdam* will dock here Thursday with Mrs. Douglas Fairbanks, Mona Barrie and Edna

(Continued on page 3)

Actor Peace Up to Browne, Says Four A

Fight Will Be on Unless I. A. Head Negotiates

Final peace moves in the jurisdictional dispute between Associated Actors and Artistes of America and I.A.T.S.E. were left in the hands of George E. Browne, I.A. president, yesterday after a five-hour session of the international board of the 4-A.

Although Kenneth Thomson, Screen Actors Guild executive secretary, Ralph Morgan, S.A.G. president, and Laurence Beilenson, S.A.G. attorney, arrived here yesterday after extensive peace negotiations on the coast, they plan no future peace overtures unless Browne invites them to confer with him.

Yesterday, the 4-A designated Thomson and Paul Dullzell, executive secretary of Actors Equity, as a committee to meet with Browne if the latter is willing to confer with them. The coast meetings between S.A.G. representatives and I.A. Hollywood officials were initiated by C. J. Haggerty, president of California State Federation of Labor, and J. W. Buz-

(Continued on page 3)

Rodgers Predicts Business Upsurge

HOLLYWOOD, Aug. 28.—William F. Rodgers, general sales manager at M-G-M, arrived today from Chicago for conferences at the studio with Al Lichtman, assistant to Nicholas M. Schenck, president.

Before leaving for New York on Wednesday, Rodgers will see completed and semi-completed product, the list being headed by "Gone With the Wind."

Rodgers predicted a surge of busi-

(Continued on page 3)

"The Women"

[Metro-Goldwyn-Mayer]

HOLLYWOOD, Aug. 28.—Roll out that barrel the world's been singing about, Showmen, and get ready to need it to hold the money when the first houseful in to see "The Women" get to a phone to tell their friends the news. (The news, for your advance information, is that "The Women" is one of those terrific box-office attractions M-G-M startles the industry with just about every odd-numbered year.)

News about "The Women" has been hot copy ever since the play took Broadway to town. Everybody knows it was a hot show, full of hot dialogue and venomously disposed toward the sex it's named for. For this or some reason, such as the Dietz-Strickling propaganda machine, the syndicated columnists and magazine writers and radio

(Continued on page 6)

Time Planning Reel On Catholic Church

March of Time is planning a subject on the Catholic Church, especially concerning its functioning in the United States. Camera crews have been at work for some little time at the Vatican, shooting general material for use in the subject.

It is stated that a large portion of the footage will be shot in this country. At the present time the subject is expected to be ready for release in about six months, although it is possible it will be released earlier.

Circuit Levy Is Possible In Wisconsin

MADISON, Wis., Aug. 28.—Likelihood of a circuit theatre tax in the state legislature is seen in the introduction of the Murray bill in the Senate, which would require chains of all types having from two to four stores to pay $5 on each store; chains of five to eight stores, $30; chains of nine to fifteen stores, $75; of sixteen to twenty-four stores, $125, and all over twenty-four stores, $200.

The administration's tax program for the biennium remains a riddle with nothing definite yet drafted or agreed upon by administration forces.

With the Paulson bills in the Senate, which would prohibit theatre games and giveaways, laid aside temporarily, indications are that the measures will not be passed. They had been advanced to passage by the Senate, but opposition against the measures has arisen among independent exhibitors, who contend they would prohibit them from offering giveaways in the form of dish nights to patrons.

Buffalo House Suit Testimony Taken

BUFFALO, Aug. 28.—Gross receipts of the Century Theatre here, while it was under management of the Marcus Loew booking agency from 1919 to 1928, were disclosed when Max M. Yellen, former member of the Buffalo Board of Education, continued his testimony before Supreme Court Referee Thomas H. Noonan in a stockholders' suit brought by William P. Eckhardt and Joseph C. Henafelt.

The suit was brought against Yellen and other past and present officers and directors of Midland Properties, Inc., owner of the theatre. Plaintiffs allege that corporation funds were squandered. While Loew's operated the house, Yellen was president and vice-president at various times.

Gross receipts of the theatre in 1924, according to Yellen, were $666,652.97 and the net receipts were $297,581.86. In 1925, he testified, gross receipts were $725,549.50 and net receipts, $321,251.16. Net receipts in 1925 were listed at $321,251.16 and for 1926, $210,272.28. Decision was reserved and the referee ordered that briefs be filed.

Treasurers Union Denies Desertion

Though reports persist George Browne, I.A:T.S.E. president, has granted a charter of affiliation to a group of legitimate theatre treasurers, the Theatrical Managers, Agents and Treasurers Union, after a board meeting yesterday, issued a formal statement denying any of its members had applied for or received a charter from Browne.

Cody in Jewel Series

HOLLYWOOD, Aug. 28.—Bill Cody, Jr., today was signed by William G. Smith of Jewel Productions Co. to appear in a series of youth adventure stories.

Purely Personal

MURRAY SILVERSTONE, head of world wide operations of United Artists, returns today from a brief visit to the coast.

•

VINCENT R. MCFAUL, general manager of Shea Theatres in Buffalo, has returned there after a study of new product in New York.

•

W. E. CALLAWAY, west coast district manager for Warners, and N. H. BROWER, Los Angeles branch manager for the company, are in New York for conferences with GRAD SEARS and CARL LESERMAN.

•

BERT LAHR and RAY BOLGER, arrived yesterday for personal appearances at the Capitol with JUDY GARLAND, starting Thursday.

•

TYRONE POWER, and his wife, ANNABELLA, are scheduled to arrive from Europe on the *Clipper* tomorrow morning. They will remain in New York only a few hours, then proceed by plane to Hollywood, for Power's next 20th Century-Fox film, "Daytime Wife."

•

AL ALTMAN, WILLIAM GERMAN, LYNN FARNOL, GEORGE WEST, EDWARD GOLDEN, WILLIAM FITELSON, JACK WARNER, JR., SAM MARX, SOL and IRVING LESSER, BENN JACOBSON and IRWIN MARGULIES at the Tavern yesterday.

•

JOAN PERRY, Columbia player, visited the home office yesterday.

•

MR. and MRS. JAMES DURBIN, parents of DEANNA DURBIN, will arrive from Europe today on the *Aquitania*.

ROBERT GILLHAM, JAMES CRON, WILLIAM MORRIS, SAM SHAIN, SIDNEY PHILLIPS, WILLIAM A. SCULLY, ED SAUNDERS, ARTHUR MAYER, CHARLES MCCARTHY, MORRIS KINZLER, LEON NETTER, LEONARD GOLDENSON, ETHEL EDELL at Nick's Hunting Room in the Astor for luncheon yesterday.

•

HARRY GOLDSTONE is now associated with Times Pictures, Inc., New York exchange.

•

SONJA HENIE, who returned yesterday on the *Normandie* from Europe, will leave tomorrow for the 20th Century-Fox studio to begin work on "Everything Happens at Night."

•

J. P. ADLER of the Adler Theatre Co., Marshfield, Wis., is here for the World's Fair.

•

EDWARD NEWMAN, manager of the Lyceum; B. K. BEACH, secretary-treasurer of Western Theatres, Inc., and R. B. BEACH, assistant manager of the Capitol, all in Winnipeg, are in town to visit the World's Fair.

•

LEE STEWART has returned from Hollywood, and will represent the Rosalie Stewart Agency in the east.

•

RUTH TERRY, 18-year-old singer, has been signed by WALTER WANGER (U. A.) to a long term contract. She will appear first opposite PAT O'BRIEN in "Send Another Coffin."

•

GARSON KANIN, director, has "adopted" a 13-year-old Spanish boy, MANUEL BARON PENA.

•

BEN KAPLAN, radio editor of the *Providence Journal*, is in town.

All or Nothing

Sacha Guitry, the Frenchman, is a man of parts. When he makes a picture, he plays a triple role—writer, actor and director. Nothing else will do. So when Harry Cohn, Columbia president, made him an offer in Paris to write a script for Hollywood production, Guitry insisted he handle all three assignments or no go. Cohn, at the end of a six-hour conference, replied that he had enough actors and directors of his own.

Republic Closes Deal

Republic has closed a deal for its 1939-'40 product with the Publix-Great States Circut, covering 75 theatres in Illinois and Indiana. The deal was closed by J. R. Grainger, president of Republic; Irving Mandel, Chicago franchise owner; Max Roth, midwest sales manager, and Harry Lorch, Chicago branch manager, with J. J. Rubens, Henry Stickelmeyer and John Dromey of Publix-Great States.

Warners Get Extension

Warners yesterday obtained from Federal Judge Samuel Mandelbaum a one-week extension of time to answer the $5,000,000 suit of Fritz Kuhn, which charges libel in "Confessions of a Nazi Spy."

Legion Approves 7 Of Nine New Films

National Legion of Decency for the current week has approved seven of nine new pictures reviewed and classified, five for general patronage and two for adults, while two were classed as objectionable in part. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage — "Conspiracy," "Death of a Champion," "Jones Family in Quick Millions," "Oklahoma Terror," "Smuggled Cargo." Class A-2, Unobjectionable for Adults—"Fifth Avenue Girl," "Golden Boy." Class B, Objectionable in Part—"I Demand Payment," "The Man They Could Not Hang."

Monogram Deals Set

Circuit deals closed by Monogram for the 1939-'40 product lineup include: Interstate and Texas Consolidated Theatres, Atlanta; Cumberland Amusements, in Tennessee; Forkey Circuit in Massachusetts; John Keogh, Los Angeles; Baehr Bros., Minneapolis, and Hall Industries. Inc., Dallas.

Levy Quits M.P.T.O.A.

Ed Kuykendall, president, announces the resignation of Ed Levy of New Haven as general counsel of the M.P.T.O.A. Levy has not been active in M.P.T.O.A. affairs for more than a year, the M.P.T.O.A. announcement said.

U.S. Complies With Spanish Import Rules

BARCELONA, Aug. 28.—American producers and distributors operating in Spain are preparing to comply with the proposed regulations to import films at once.

Universal, for instance, has shown its willingness to accept the proposed regulations by purchasing a Spanish-made production, "La Hermosa Beatriz" ("Beautiful Beatrix").

RKO is advertising for Spanish technicians and talent to start local production immediately, while Lacy W. Kastner, Continental sales manager for United Artists, at present visiting Spain, says that his company is ready to purchase and also to produce Spanish pictures, since United Artists is urgently in need of Spanish language material.

Hearings on RKO Agreement Delayed

Hearings before Special Master George W. Alger on the proposed underwriting agreement of Atlas Corp. for the issuance of new RKO stock, were postponed until shortly after Labor Day, Alger stated yesterday. Delay in starting the hearings has been caused by the request of the S.E.C., which is studying the agreement, for an extension until Tuesday or Wednesday of next week, Alger added.

An RKO hearing scheduled before Federal Judge Samuel Mandelbaum yesterday was adjourned on application of the Atlas Corp., proponent of the plan, to Sept. 20. Further RKO developments are marking time until Federal Judge William Bondy, who is on vacation, sits again.

Freeman Is Here For Product Talks

Y. Frank Freeman, vice-president of Paramount, is here for home office conferences on production and negotiations relative to the Lucas & Jenkins theatre operating deal which expired in July. Freeman will be in town for several days.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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War Clouds Speed Film People Home

(Continued from page 1)

Best aboard. Norma Shearer, who has been vacationing at Cannes with Constance Bennett, is reported on the ship.

Thursday afternoon Mr. and Mrs. Edward G. Robinson and Mrs. Elmer Rice, wife of the playwright, will arrive on the *Washington*.

The *Normandie* yesterday also brought George Raft, James Stewart, Josef von Sternberg, Lee Shubert, Stephen E. Fitzgibbon, Movietone studio manager; Nat C. Goldstone, Hollywood agent, and Mrs. Goldstone; Norman Krasna; Victor M. Orsatti, Hollywood agent, who traveled with Harry Cohn; Mrs. Howard Dietz, wife of the M-G-M advertising and publicity director; C. C. Pettijohn, Jr.; Mrs. Selma Henie, mother of Sonja; Mrs. J. A. McConville, and Donald and Janet McConville, wife and children of the Columbia foreign manager, and Colin Keith-Johnson, English actor.

Among those on the *Aquitania* arriving today are Mr. and Mrs. James Durbin, parents of Deanna.

Rodgers Predicts Business Upsurge

(Continued from page 1)

ness at box-offices generally. "The effects of such pre-season releases as 'Wizard of Oz' cannot be overestimated," he said. "This impetus promises great benefits for the new pictures."

Fall release order of M-G-M pictures has been set as follows: "The Women," "Blackmail," "Thunder Afloat," "Henry Goes to Arizona," "Fast and Furious," "Dancing Co-ed," "Ninotchka," "Marx Brothers at the Circus," "Looking After Sandy," "Babes in Arms," "A Call on the President," "Remember," "Another Thin Man," "Broadway Melody," "Balailaka," "Nick Carter," and "Dr. Kildare's Secret."

Five Companies Formed

ALBANY, Aug. 28.—Five new companies have been chartered here to engage in the film or theatrical business, as follows:

Southwest Prospect Amusements, Inc., Brooklyn, by George D., Costas D. and Milton D. Stamatis, Brooklyn; Knickerbocker Pictures Corp., by George D. Burchell, D. T. Stanley and N. C. Nicholson, New York; Charmay, Inc., Brooklyn, by Freida Jarrett, Ruth Kaplan and Francine Brunner; 482 Amusement Corp., Brooklyn, by Esther Landes, Anne Teicher and Dorothy Liebowitz; Jafer Amusements, Inc., by Sally Draisin, Aaron Dorfman and Jeanne Greengold, New York.

Change Para. Title

HOLLYWOOD, Aug. 28. — "Honeymoon in Bali" has been selected by Paramount as the final title for the picture formerly known as "Are Husbands Necessary" and "My Love for Yours." Madeleine Carroll and Fred MacMurray are co-starred.

Cohn Says War Will Not Halt English Production

European hostilities, if any, will not stop production in England and the industry there will attempt to continue operations, Harry Cohn, president of Columbia, believes. Returning yesterday on the *Normandie*, he said that Irving Asher plans to start a picture for Columbia next week.

Cohn said he went over for a vacation but worked instead. On the same boat was Joseph A. McConville, Columbia general foreign sales manager, who was abroad 10 weeks.

The plan for Wesley Ruggles to make a film in England for Columbia with Cary Grant starred is a strong possibility, Cohn said. This will be under Asher, at London Films studios. The story is not set.

Asher Pact Renewed

Asher's commitment to produce for Columbia has been renewed for a second year, calling for four pictures. The first of the new schedule, "Ten Days in Paris," has been completed.

Cohn declared that Columbia's production plans in France have been halted by the crisis and will not be resumed until the situation clears. One film, "La Charrette Fantome," has been made so far. This is a Julien Duvivier production for Transatlantic Films, with which Columbia has a world wide releasing arrangement.

Frank Capra may make a film on the life of Chopin, depending on a new deal with Columbia.

McConville covered England, France, Belgium and Holland and reported the company's business as good in those territories. He attended a British sales convention at Brighton.

McConville arranged to open branches in Algiers, Lille, Bordeaux and Strasbourg, which, with offices already opened in Brussels and Marseilles, will complete the company's European expansion.

'Stanley' $17,500 Cincinnati Smash

CINCINNATI, Aug. 28. — "Stanley and Livingstone" set the pace with a terrific $17,500 at the RKO Albee, which rated a moveover week at the RKO Shubert. "When Tomorrow Comes" gave the RKO Palace $10,500, and "Each Dawn I Die" had a $5,200 second downtown week at the RKO Lyric.

Estimated takings for the week ending Aug. 23-26:

"Stanley and Livingstone" (20th-Fox)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $17,500. (Average, $12,000)
"When Tomorrow Comes" (Univ.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $10,500. (Average, $10,000)
"These Glamour Girls" (M-G-M)
RKO SHUBERT—(2,150) (35c-42c) 7 days. Gross: $6,000. (Average, $10,000)
"Lady of the Tropics" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $4,600. (Average, $6,500)
"Each Dawn I Die" (W. B.)
RKO LYRIC—(1,400) (25c-40c), 7 days, 2nd week. Gross: $5,200. (Average, $5,000)
"The Girl and the Gambler" (RKO) (2 days)
"Panama Lady" (RKO) (3 days)
"Timber Stampede" (RKO) (2 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,000. (Average, $2,400)
"Hell's Kitchen" (W. B.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $5,400. (Average, $6,000)

Society Notes

Pittsburgh, Aug. 28.—Exchange salesmen and exhibitors are wondering whether to devote their leisure to the theatre business, and working hours to social affairs. Last week a Tri-State "film folk frolic" was held at the Mahoning Country Club, Girard, O., an inter-territorial stag outing was sponsored by another group at Johnson's Lodge near Lewistown, Pa., and a party was held by the Variety Club honoring Andy Szwedko, steelworker who recently won the national public links golf championship. The first annual banquet of the Independent Theatre Owners of West Virginia will be held Sept. 26 at the Waldo Hotel, Clarksburg.

'Tomorrow' Pulls $19,000 in Detroit

DETROIT, Aug. 28.—Cooler weather and an influx of tourists, helped receipts at all local theatres. The Fox drew $19,000 with "When Tomorrow Comes" and "They Made Her A Spy." The Michigan drew $16,000 with "Each Dawn I Die" and "Night Work" in the second week.

Estimated takings for the week ending Aug. 24:

"Stanley and Livingstone" (20th-Fox)
"A Woman Is the Judge"
ADAMS—(1,700) (15c-50c) 7 days. Gross: $7,500. (Average, $5,000)
"Only Angels Have Wings" (Col.)
"Maisie" (M-G-M)
FISHER—(2,800) (15c-40c) 7 days. Gross: $4,500. (Average, $4,500)
"When Tomorrow Comes" (Univ.)
"They Made Her a Spy" (RKO)
FOX—(5,000) (20c-55c) 7 days. Gross: $19,000. (Average, $12,000)
"Each Dawn I Die" (W. B.)
"Night Work" (Para.)
MICHIGAN — (4,000) (15c-65c) 7 days. Gross: $16,000. (Average, $10,000)
"The Man In the Iron Mask" (U. A.)
"Naughty But Nice" (W. B.)
PALMS—(3,000) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)

'Livingstone' Gets Big $9,300 Omaha

OMAHA, Aug. 28.—"Stanley and Livingstone," dualled with "It Could Happen to You," were the town's best by far with $9,300 at the Orpheum. "Lady of the Tropics" drew $7,600 at the Omaha.

Estimated takings for the week ending Aug. 23-24:

"Bachelor Mother" (RKO)
"Saint in London" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days, 2nd week. Gross: $4,000. (Average, $4,000)
"Lady of the Tropics" (M-G-M)
"6,000 Enemies" (M-G-M)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $7,600. (Average, $6,000)
"Stanley and Livingstone" (20th-Fox)
"It Could Happen to You" (20th-Fox)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $9,300. (Average, $7,600)

'First Nighter' Renewed

Campana Sales Co., Batavia, Ill., has renewed the "First Nighter" program over 50 CBS stations, effective Sept. 1. The show is heard each Friday, 9:30 to 10 P. M.

Actor Peace Up to Browne, Says Four A

(Continued from page 1)

zell, executive secretary for Los Angeles Central Trade and Labor Council.

S.A.G. members who participated in the talks indicated that an informal negotiating basis had been reached with John Gatelee and Frank Stickling, I.A. coast representatives, but Browne's approval had not been obtained. Under the circumstances, it was pointed out that unless Browne indicates some willingness to discuss the issue today, the fight will be on.

Showdown Soon

No disclosure was made of strike moves planned at yesterday's meeting. Sophie Tucker, president of American Federation of Actors, yesterday announced that she will be ready to appear in "Leave It to Me!" on Sept. 4. Since Vinton Freedley, the producer, has declined to accept the month's postponement offered by Equity, the issue is expected to come to a head over the next weekend. Present indications are that the fight will be localized on the one show, with Equity members refusing to appear with Miss Tucker in the cast, and the stagehands refusing to work without her.

There is considerable difference of opinion among 4-A board members on the next step. S.A.G. delegates are inclined to permit the issue to rest there and intensify organizational efforts for their new variety union, American Guild of Variety Artists. They argue that A.F.A. members who are not also members of A.G.V.A. will be barred from legitimate stage, radio and screen and that such pressure will be sufficient to make them join.

On the other hand, Equity will have about 70 members thrown out of work by the closing of the Freedley show and they are insisting that S.A.G. make a sympathetic strike move to cause unemployment among I.A. members on the coast. S.A.G. gave assurances that it would issue a strike order, but this was made at a time when it was expected that the stagehands would tie up all Broadway production.

Ralph Whitehead, executive secretary of A.F.A., declared yesterday that he had not been consulted about any peace negotiations and knew nothing of them. Browne could not be reached for comment. It was made clear by Morgan that no compromise had been reached on the question of the elimination of Whitehead from office.

Douglas to Preside At Murphy Banquet

HOLLYWOOD, Aug. 28. — Melvyn Douglas will preside at the Motion Picture Democratic Committee dinner here Sept. 7 which will honor Attorney General Frank Murphy.

At the dinner it is planned to make an award to the film best expressing democratic ideals which was produced in the 12 months ended June 15.


BORIS
KARLOFF



The "FRANKENSTEIN" MONSTER

DEFIES EVEN THE GALLOWS TO TEMPER THE SAVAGERY OF HIS SOUL-CONSUMING BLOOD-LUST!

THE MAN THEY COULD NOT HANG

LORNA GRAY • ROBERT WILCOX • ROGER PRYOR

Screen play by KARL BROWN • Directed by NICK GRINDE

A COLUMBIA PICTURE

COLUMBIA PICTURES

Film Editors Plan National Organization

Idea for the organization of a national body of motion picture critics and editors, formed Saturday by the 100-odd film critics here as guests of Universal for the premiere of "The Under-Pup," was not a spontaneous thought, but one carefully planned and discussed on other premiere junkets, it was said yesterday by "Buck" Herzog of the *Milkaukee Sentinel*.

Herzog said yesterday that the new group, designated as the Newspaper Film Critics of America, has been in touch with the membership of the local film critics group, the New York City Film Critics, and that there is every prospect that the local group will come into the national organization's fold.

To Draft Constitution

As secretary-treasurer of the Newspaper Film Critics of America, Herzog said the organization already boasted moderate financial means, gained through voluntary contributions from the members. The money will be expended by the organization committee within the next few weeks for meetings at which will be outlined and drafted a constitution and by-laws which will be submitted for approval at a national meeting to be held probably in February or earlier if possible.

A letter explaining the purpose of the new group will be prepared and given a nationwide and Canadian film critic mailing within the next two weeks, together with application blanks for joining the organization, Herzog said.

Form Planning Committee

On the planning committee are Keith Wilson of the Omaha *World-Herald*, Merle Potter of the *Minneapolis Tribune*, Harry Martin of the Memphis *Commercial Appeal*, and Herzog. Martin is temporary chairman. Purpose of the organization is to elevate standards of criticism and comment on motion pictures and to better in whatever way possible the American film industry.

Majority of the critics brought here for the Scranton, Pa., premiere of "The Under-Pup" have left for their respective home cities, and all those still remaining will be en route home by today.

Club Presents Flag

PITTSBURGH, Aug. 28.—Variety post of the American Legion, has presented a flag and staff to Camp O'Connell, boys' outing site, at Americanization ceremonies. Commander Harry Kalmine made the presentation, Dr. A. I. Wise was color bearer, Rev. James Garrahan chaplain, and Adjutant C. C. Kellenberg was in charge of a luncheon served to 150 guests.

Griffith to Produce

D. W. Griffith will return to production after an absence of eight years, to make Hal Roach's forthcoming "1,000,000 B. C." which will be released by United Artists.

"The Women"

[Metro-Goldwyn-Mayer]

(*Continued from page* 1)

chatter-boxes have kept the citizenry keenly aware of M-G-M's progress screenward with a name-laden picturization of the play. An expectancy such as few studios would care to attempt to live up to has been created for the film. The film calls that expectancy and rakes in the chips.

Look at this cast, you showmen with maximum marquee displacement: Norma Shearer, Joan Crawford, Rosalind Russell, Paulette Goddard, Joan Fontaine, Virginia Weidler, Mary Boland, Cora Witherspoon, Marjorie Main, Hedda Hopper, to name 10 of 21 ladies who act their heads off in the first all-feminine cast ever loosed upon a set. (And when you've seen the picture, choose for yourself the best acting job in it—your reporter calls it a dead heat.)

What to do with a picture like this is what wise showmen did with "Dinner at Eight" the first time out and all showmen did the second time around. How to sell it is the way showmen learned to sell "Grand Hotel" when they found out how saleable it was. This is like neither of those, specifically, but it is like both of them in that it is, as they were, unlike any picture before it. Don't keep that a secret from the customers.

The dialogue that was hot in the play has been cooled off enough for picture purposes, but that part of its heat which derived from humor and viewpoint is still intact; only the vulgar was stricken. The situations that were pungently diverting in the play are in the picture, plus others just as much so that weren't. It's still a presentation of the female of the species engaged in attack and counter-attack and this is still a most diverting and amusing presentation. It is not, of course, a picture for the very young of either gender.

The film is feminine in more than on-screen personnel. A woman, Clare Boothe, wrote the play, and two women, Anita Loos and Jane Murfin did it over, so to speak, for the screen. Let it be shouted at this point, however, and loudly, that Hunt Stromberg, a man, produced it, and George Cukor, another, directed it, saving the situation for the trousered percentage of the population and earning, for doing so and for supplying a tremendous picture, the gratitude of men and women ("Children Not Admitted") on both sides of the ticket wicket.

Running time, 135 minutes. "A."* WILLIAM R. WEAVER

**"A" denotes adult classification.*

Film Rejected But Nets Big $16,500

MEXICO CITY, Aug. 28.—Sign of the times:

"Los Enredos de Papa" ("Papa's Intrigues"), conceded to be the best Mexican picture comedy, which set a new high record in Mexico with a gross of $16,500 in three weeks in Mexico City, was rejected by four exhibitors before the Cine Teatro Alameda gave it a debut.

The Cine Regis, a select local theatre that has functioned for years, has quit pictures for stage shows. A Spanish musical comedy company is playing the house for an indefinite period. Too much picture competition is said to have prompted the management to put in stage entertainment.

Federico Gamboa, dean of Mexican novelists and author of "Santa" ("Saintess"), the novel that was the basis of Mexico's first talking film, died at his home here at the age of 74.

The film censors viewed 118 films during July—84 American, eight German, six Mexican, six French, five Spanish, three Egyptians, two Russians, two Argentines, one Italian and one Czechoslovakian. Only one film, French, was banned, on the ground of an immoral theme, and changes were ordered in only 14 others.

A Tall Story

Kansas City, Aug. 28.—Recently formed here is the Skyliners Club, qualifications for which are that the men be more than 6 feet 4 inches, the women over 6 feet. John Wolfberg, manager of the Giles, which is being reopened Sept. 1 after remodeling, will have a special section with larger seats and more room between aisles for tall persons. Wolfberg himself is 6 feet, 4 inches, and can sympathize.

Form Bowling League

OKLAHOMA CITY, Aug. 28.—A Variety Club Bowling League has been formed here with the following officers elected: Berlin Parks, National Theatre Supply Co., president; F. R. "Buddy" Moran, booker for the Republic exchange, vice-president, and George K. Friedel, head booker, 20th-Century Fox, secretary-treasurer. The season will begin Sept. 8 and will continue for 35 weeks.

Remodel Two in So. Car.

ROCK HILL, S. C., Aug. 28.—The Capitol here, managed by Robert Bryant, will be closed shortly for a short time to permit a new flooring and other renovations. The Stevenson, of which Ben L. Strozier is manager, also will close for renovation.

U. A. Answers Government Trust Action

(*Continued from page* 1)

or information concerning over 100 allegations of the complaint covering, to a large extent, the history of the industry, and Government charges of monopolistic practices in the production and exhibition field. United Artists also denied knowledge of Government contentions that the majors and circuit theatre owners resorted to coercive methods in acquiring theatres from independents.

In addition, parts of the complaint which had charged harsh and coercive selling practices, and all allegations which had generally claimed monopoly in the industry, were denied completely. In respect to selling methods, the answer conceded that United Artists "acting separately and independently" made some contracts with exhibitors in which it reserved the right to designate play dates, provide for clearance, prohibit the showing of pictures as part of a double bill, impose a score charge, and provide for minimum admission charges.

United Artists also, on occasion, made advertising allowances, reduced film rentals where, in the opinion of United Artists such reductions were warranted, and made agreements for a move-over where, in its opinion, it would mean more revenue, the answer stated.

Return of Theatre Property Is Asked

SALISBURY, Md., Aug. 28.—Robert W. Dallas, trustee in bankruptcy of George L. Hoppes & Sons, filed two suits in chancery here today, asking the return of the Wicomico Theatre and its equipment to the trustees in bankruptcy.

The suits charge the theatre building and equipment were transferred "to hinder, delay and defraud creditors" in the collection of debts. Defendants are Milton R. Hoppes, his wife, Edna Mae, of Chester, Pa., in whose name the building is held; J. Crisfield Davis and May D. Hastings, holders of a mortgage, and Wicomico Theatre Corp., which holds a 10-year lease on the building. It is charged the title to the theatre was transferred to L. Edwin Hoppes of Springfield, O., less than a month before George L. Hoppes & Sons filed a petition in bankruptcy.

Club in Member Drive

OKLAHOMA CITY, Aug. 28.—The local Variety Club has appointed Jack Curry, manager of the local Paramount exchange, as chairman of a committee in charge of a membership drive on film row and Morris Loewenstein, operator of the Majestic, was named in charge of a newspaper, radio and theatre membership drive.

East in Brooklyn Houses

Ed East is appearing in 40 Brooklyn motion picture theatres, on behalf of Cel-Ray, his radio sponsor, duplicating his "Name It and Take It" quiz. He is awarding prizes which are given away at children's matinees at the theatres.

'Stanley' Hits High Grosses In Twin Cities

MINNEAPOLIS, Aug. 28.—The combination of "Hotel for Women" and Paul Whiteman was the box-office winner, with $17,000 in four days, with three days of "Bachelor Mother" for the week. "Stanley and Livingstone" did well, getting $9,200 at the State.

In St. Paul, "Stanley and Livingstone" led, doing $7,400 at the Paramount.

Estimated takings for the week ending Aug. 24:

Minneapolis:

"Saint in London" (RKO)
"Behind Prison Gates" (Col.)
ASTER—(900) (15c-25c) 8 days. Gross: $3,100. (Average, $1,500)
"Our Leading Citizen" (Para.)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $2,500. (Average, $4,000)
"Indianapolis Speedway" (W. B.)
GOPHER—(990) (25c) 7 days. Gross: $3,700. (Average, $2,500)
"Mr. Wong in Chinatown" (Mono.)
MINNESOTA — (4,200) (15c-30c) 7 days with stage show. Gross: $5,500. (Average, $6,000)
"Bachelor Mother" (RKO)
"Hotel For Women" (20th-Fox)
ORPHEUM—(2,900) (35c-55c) "Mother," 3 days; "Hotel," 4 days with Paul Whiteman: $17,000. (Average, $4,800)
"Stanley and Livingstone" (20th-Fox)
STATE—(2,300) (25c-40c) 7 days. Gross: $9,200. (Average, $4,400)
"The Mikado" (Univ.)
WORLD—(400) (25c-40) 7 days, 3rd week. Gross: $2,000. (Average, $1,600)

St. Paul:

"Hotel For Women" (20th-Fox)
ORPHEUM—(2,000) (25c-40c) 7 days Gross: $3,200. (Average, $3,200)
"Stanley and Livingstone" (20th-Fox)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $7,400. (Average, $4,000)
"Way Down South" (RKO)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,550. (Average, $1,800)
"The Man They Could Not Hang" (Col.)
"Bulldog Drummond's Bride" (Para.)
TOWER—(1,000) (25c) 7 days. Gross: $3,100. (Average, $1,500)
"The Mikado" (Univ.)
WORLD—(400) (25c-55c) 7 days. Gross: $1,600. (Average, $700)

'Oz' Is Cleveland Winner at $15,000

CLEVELAND, Aug. 28.—"The Wizard of Oz" at Loew's State made the best showing, with $15,000. "Stanley and Livingstone" at Warners' Hippodrome collected $20,000 in nine days. The weather was clear and cool. Night baseball competed.

Estimated takings for the week ending Aug. 25:

"Bachelor Mother" (RKO)
ALLEN—(3,000) (30c-35c-42c) 7 days, 4th week. Gross: $7,000. (Average, $4,000)
"Stanley and Livingstone" (20th-Fox)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c, 9 days. Gross: $20,000. (Average, $11,000 for 7 days)
"Clouds Over Europe" (Col.)
RKO PALACE — (3,100) (30c-35c-42c) 7 days. Gross: $7,000. (Average, $8,000)
"The Wizard of Oz" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $15,000. (Average, $11,000)
"Four Feathers" (U. A.)
LOEW'S STILLMAN — (1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $5,000. (Average, $4,000)

On Education Board

MADISON, Wis., Aug. 28.—Ray A. Felt, stage manager at the Orpheum here, has been named a member of the city board of education by Mayor James R. Law. Felt is business agent for the Madison local of the I. A. T. S. E.

Feature Previews

"Stop, Look and Love"

(20th Century-Fox)

HOLLYWOOD, Aug. 28.—Here's a family picture in the very groove, a humorous telling of a tale about a middle-class group of commonplace people who do the plain things plain people do and make a lark of it for the customers. There's no pathos in this setup, no calamities to deal with and no villains to thwart, but there's the comedy of contrast and of character conflict and the romance of a young lady and her gentleman friend. These things add up to handsome total.

William Frawley is the particular star of the film, making of the father a sound, unvarnished citizen of the kind so many fathers are. It's a triumph for an actor long kicked around in the background of melodramas about murderers and smart-aleck detectives. Minna Gombell as his prattling wife and Jay Ward as the lazy son take next honors and there are enough left for Jean Rogers, Cora Sue Collins, Robert Kellard and the others.

"The Family Upstairs" by Harry Delf is book source of the screenplay by Harold Tarshis and Sada Cowan. Otto Brower directed the film for executive producer Sol Wurtzel and nobody missed a stitch.

Running time, 60 minutes. "G."* ROSCOE WILLIAMS

"Death of a Champion"

(Paramount)

HOLLYWOOD, Aug. 28.—The champion pertained to by the title of this number is a dog, but don't let that mislead you. The dog dies, is murdered, immediately after the start of the picture, and from there on it's a comedy built around a sequence of murders of persons, arising out of the killing of the dog. The detection and exposure of the criminal is achieved by unusual methods which get somewhat obscure, but the humor supplied by Lynne Overman and young Donald O'Connor, as a book salesman and his assistant, is the reason for the picture, anyway, so such things as logic and coherence figure but slightly in the net result.

Overman and O'Connor supply their usual proficient performances. Harry Davenport is also effective with less footage to work in. Virginia Dale, Joseph Allen, Susan Paley, Robert Paige and May Boley are the others present. William H. Wright is associate producer, Robert Florey directed, and the screenplay is by Stuart Palmer and Cortland Fitzsimmons from a story by Frank Gruber. Due to its loose construction, the film is more likely to interest the juvenile mystery fans than the grownups.

Running time, 67 minutes. "G."* ROSCOE WILLIAMS

"Flight at Midnight"

(Republic)

Plight of a young and intrepid aviator who "flies by the seat of his pants" but runs afoul of the Government rules for safe flying is the subject of "Flight at Midnight," an exciting tale of modern aviation. Phil Regan plays the part of Spinner Magee, the lady-killing and reckless ace.

Although given only a minor role, Col. Roscoe Turner, the well known speed aviator, adds to the name value of the film and makes exploitation based on his fame possible. Jean Parker, Robert Armstrong, Harlan Briggs and Noah Beery, Jr. round out the well balanced cast.

The story is a natural to hold audience interest, although developed along familiar lines. Regan, after a dangerous flight, is grounded for 30 days by Armstrong, the Government inspector at the field. He also tells the owner of the field, Briggs, that the field will be closed down unless high-tension wires are removed. The only hope for raising the necessary financing is to have Regan make a test flight of a ship to be manufactured by one of the hangar owners. After some persuasion by Miss Parker, Regan agrees to do so but arrives too late. Beery, his mechanic, takes the ship up but crashes.

Regan becomes an outcast as a result of this mishap but redeems himself by deliberately flying through the high tension lines to save a ship piloted by Col. Turner from crashing.

The screenplay was written by Eliot Gibbons from an original by Daniel Moore and Hugh King. Armand Schaefer was associate producer.

Running time, 66 minutes. "G."* ED GREIF

**"G" denotes general classification.*

'Million' Hits $20,300 with Loop Revue

CHICAGO, Aug. 28.—Folies Bergere Revue on the stage, plus "I Stole A Million" on the screen, did big business at the Palace last week, $20,300. "Maisie" and "Tarzan" at the Oriental took $15,600. "Five Came Back" at the State-Lake drew $13,200. The weather was fair and warm. Free concerts and night baseball hurt.

Estimated takings for the week ending Aug. 23-26:

"Our Leading Citizen" (Para.)
APOLLO—(1,400) (25c-55c-75c) 7 days. Gross: $5,000. (Average, $6,000)
"Stanley and Livingstone" (20th-Fox)
CHICAGO — (4,000) (35c-55c-75c) 7 days, 2nd week. Stage: Vaudeville Revue. Gross: $33,000. (Average, $32,000)
"Each Dawn I Die" (W. B.)
GARRICK—(900) (35c-40c-65c) 7 days, 2nd week. Gross: $4,400. (Average, $5,000)
"Maisie" (M-G-M)
"Tarzan Fnds a Son" (M-G-M)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $15,600. (Average, $13,000)
"I Stole a Million" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stake: Folies Bergere Revue. Gross: $20,300. (Average, $18,000)
"Winter Carnival" (U. A.)
ROOSEVELT — (1,300) (35c-55c-75c) 7 days. Gross: $11,000. (Average, $11,000)
"Five Came Back" (RKO)
STATE-LAKE — (2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $13,200. (Average, $12,000)
"Lady of the Tropics" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $12,800. (Average, $14,000)

'Courageous' Leads In Montreal, $8,900

MONTREAL, Aug. 28.—"Daughters Courageous" took the lead with $8,900 at the Palace. Fifth week of "Goodbye, Mr. Chips" made $4,400 at Loew's. Slightly cooler weather prevailed.

Estimated takings for the week ending Aug. 25:

"Elsa Maxwell's Hotel For Women" (20th-Fox)
"Mr. Moto Takes a Vacation" (20th-Fox)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $5,500. (Average, $8,000)
"Goodbye, Mr. Chips" (M-G-M)
LOEW'S — (2,806) (30c-40c-60c) 7 days. Gross: $4,400. 5th week. (Average, $8,000)
"Four Feathers" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $4,200 2nd week. (Average, $5,000)
"Daughters Courageous" (F. N.)
PALACE—(2,600) (25c-40c-55c-65c, 7 days. Gross: $8,900 (Average. $11,000)
"Hell's Kitchen" (W. B.)
"Nancy Drew Trouble Shooter" (W. B.)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross, $3,500. (Average, $6,500)

Allied of Oklahoma Will Meet Sept. 26

OKLAHOMA CITY, Aug. 28.—The organizing board of Allied Theatre Owners of Oklahoma has made arrangements for the first annual convention of the organization Sept. 26 and 27 at the Biltmore Hotel here, according to Orville Von Gulker, chairman.

Discussion will center around legislation, monopoly practices, and the problems of the small independent exhibitor. The convention delegates are expected to take action on a buying pool for Oklahoma independents and on a constitution for Allied in Oklahoma. Organization is under the laws of the state of Oklahoma.

PARAMOU
DOES IT A

Newsreels Arrive to Show War Tension in Europe

By HETTIE CATTELL.

The first European newsreel to reach here since the war crisis developed arrived at Paramount yesterday, 32½ hours after having left Southampton, Eng., in the British flying boat Cabot. It will be displayed in all theatres beginning at noon today.

The pictures show scenes in Danzig, Berlin, London and Paris, the first two groups meager in ... with the long footage ... of Poland's ... depict stirring ... ced crowds, gath- ... on of ... ins-

Although his first job was watch- ... stage appearance.

vast storage of food, the urging of housewives to lay in supplies indicate that one of Britain's expected problems in the event of war will be like Germany's, "Will we eat?"

Art Removed

The film shows art treasure being removed to places of safety trenches being dug adjacent to ... nd full of children; t ... sidewalks, trees, te ... nidance of ... parati ... in ... of ... rt g ... a mun ... crete shelter ... air attacks.

Among the most impr ... e great L ... for war ... putside Parl ... fund war-eme ... hel ... berlain a ... nasty leave ... om both Pa ... and ... shown. ... co ... s left Sout ... q ... m. Saturd ... m ... Montreal in ... ys clipper at ... here they we ... merican Airw ... ark. A

The Register and Tribune Syndicate.

CRISIS NEWS FILMS HERE IN 32 HOURS

A clean beat on the European crisis was scored by Paramount News, whose films are being distributed today. The cans were put aboard an Imperial Airways flying-boat for Montreal, transferred to an American airliner and unloaded ... re thirty-two hours ...

at staff headquarters.

FILMS SHOWING CRISIS BROUGHT IN BY PLANE

News Record Makes Trip From Southampton in 32 Hours

...graphic record of some of ...vents in the current ...e arrived at the dis- ... Paramount News ...on, thirty-two ...ipment from ... They will ... release

...orida Week, third ...

First Crisis Newsreels Reach Here in 31½ Hrs.

Paramount Films, Flown, Show London, Berlin, Paris Scenes

Part of a golf course in London being transformed into an anti-aircraft artillery base, and sections of Danzig bedecked with Nazi banners and pictures of Adolf Hitler are included in the first newsreel film received by Paramount News since European crisis became acute. The films were reviewed yesterday at special showing in the firm's rooms at 544 West Forty-third Street.

The films, more than 2,000 feet, covering London, Berlin, Paris and Danzig, left Southampton by Imperial Airways flying boat at 2:30 p. m. Saturday (9:30 a. m., New York time), reached Montreal early yesterday afternoon and were rushed from Newark Airport to the test room at 5 p. m.—an elapsed time in transit of thirty-one and one-half hours.

One of the film sequences, now being shown in English theaters, de... tes as much attention to assuring ... nation of adequate food supplies ... it does to the possibility of war. ... hots of tables showing slim rations ... f staples allowed English house... during the World War are ... in food storage ... ks of

Paramount Pictures

NT NEWS GAIN!

Paramount News scoops the world—flashing the earth-shaking events of the European crisis on the screens of the nation's theatres 48 hours after they have happened.

Hundreds of thousands of people yesterday flocked to the nation's theatres to see the Paramount Newsreel that hours ahead of its competitors had these exciting events:

1. Emergency defense preparations of Britain, France and Poland.
2. The arrival of Foreign Minister Joachim von Ribbentrop in Berlin after the signing of the Russe-German pact.
3. The first pictures of Chancellor Hitler's private plane —a German version of the new Douglas DC-4.
4. The epochal emergency session of Parliament.
5. The hurried mobilization of French reservists.
6. The fortification of the suburbs of London.
7. The itinerary of emergency evacuation of children.
8. The Nazis taking over the free city of Danzig.
9. The hasty leave-takings of Americans from Paris.
10. The exciting events from the world's great capitals.

...It is coverage and service like this that make PARAMOUNT the No. 1 NEWSREEL and the EYES AND EARS OF THE WORLD. *Play the Paramount News and be days and hours ahead of your competitor.*

'Oz' Scores Big $20,000 In Pittsburgh

PITTSBURGH, Aug. 28.—"The Wizard of Oz" paced the field with $20,000 at Loew's Penn. "When Tomorrow Comes," at the Harris Alvin, took $11,500, and at the Fulton "Second Fiddle" grossed $7,500.

Estimated takings for the week ending Aug. 24:

"When Tomorrow Comes" (Univ.)
ALVIN—(1,900) (25c-35c-50c) 7 days, $11,500. (Average, $7,000)
"Second Fiddle" (20th-Fox)
FULTON—(1,700) (25c-40c) 7 days, $7,500. (Average, $5,800)
"The Wizard of Oz" (M-G-M)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days, $20,000. (Average, $13,000)
"Hotel for Women" (20th-Fox)
SENATOR—(2,000) (25c-35c-50c) 7 days, 2nd week, $2,900. (Average, $3,500)
"The Angels Wash Their Faces" (W. B.)
STANLEY—(3,600) (25c-35c-50c) 7 days. $11,000. (Average with stage show, $17,000)
"Four Feathers" (U. A.)
WARNER—(2,000) (25c-35c-50c) 7 days, 2nd week, $6,800. (Average, $5,000)

'Old Maid' Draws $23,500 in Capital

WASHINGTON, Aug. 28.—"When Tomorrow Comes" and "The Old Maid" led all other downtown attractions. The former pulled $8,500 at RKO Keith's and latter took $23,500 at Warners' Earle.

Estimated takings for the week ending Aug. 24:

"These Glamour Girls" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days, 2nd week. Stage: Going Native Revue. Gross: $15,200. (Average, $16,500)
"Andy Hardy Gets Spring Fever" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 2nd run. Gross: $5,000. (Average, $4,500)
"Stanley and Livingstone" (20th-Fox)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. 2nd week. Gross: $8,700. (Average, $12,000)
"When Tomorrow Comes" (Univ.)
RKO KEITH'S—(1,836) (25c-55c) 7 days. Gross: $8,500. (Average, $6,000)
"The Old Maid" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Vaudeville. Gross: $23,500. (Average, $16,000)
"Each Dawn I Die" (W. B.)
WARNER'S METROPOLITAN—(1,591) (25c-40c) 7 days, 2nd run. Gross: $4,300. (Average, $4,000)

'Wizard' at $12,300 Indianapolis Smash

INDIANAPOLIS, Aug. 28.—"The Wizard of Oz" drew a smash $12,300 at Loew's, where "Blondie Takes a Vacation" shared the bill. "Daughters Courageous" and "Naughty but Nice" turned in a fine $8,600 at the Circle.

Estimated takings for the week ending Aug. 25:

"Stanley and Livingstone" (20th-Fox)
"Jones Family in Quick Millions" (20th-Fox)
APOLLO—(1,100) (25c-40c) 7 days, 2nd week. Gross: $2,800. (Average, $2,500)
"Daughters Courageous" (W. B.)
"Naughty But Nice" (W. B.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $8,600. (Average, $6,000)
"The Wizard of Oz" (M-G-M)
"Blondie Takes a Vacation" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $12,300. (Average, $7,000)

Change Lawes Film Title

HOLLYWOOD, Aug. 28. — "City of Lost Men" has been selected by Warners as the title of the film featuring John Garfield, Pat O'Brien and Anne Sheridan, formerly known as "20,000 Years in Sing Sing."

Theatre, Personnel Notes

Williams Shifts Managers

OKLAHOMA CITY, Aug. 28.—K. Lee Williams Theatres, Inc., have made the following promotions:

Bill Frazier, city manager at Ashdown, Ark., has been placed in charge of Broken Bow, Okla., houses. Joe Callaham, assistant city manager at Broken Bow, has been made city manager in Ashdown. Jerry Doig, city manager at Nashville, Ark., has been placed in charge of Fordayce, Ark., houses. Cecil Callaham, assistant city manager at Frederick, Okla., for the Griffith Amusement Co., had been promoted to city manager of Nashville, Ark., theatres.

Open Wisconsin House

STRATFORD, Wis., Aug. 28.—Balzel & Zoellner have opened the Stratford here and are operating on weekends.

Detroit House Ready

DETROIT, Aug. 28.—Work is nearing completion on the new Harper, being erected by Wisper & Wetsman.

United Managers Moved

DETROIT, Aug. 28.—United Detroit Theatres Corp. manager changes include the following: Don Kuhn of the Riveria was named manager of the Palms-State. Dow Thompson, formerly of the Varsity, has been appointed manager of the Riveria. Hyman Bloom was transferred from the Annex to replace Thompson at the Varsity. Gil Green was promoted from the Regent to take over the managership of the Annex. Frank Perry takes over Green's former detail at the Regent.

Acquires Three in Buffalo

BUFFALO, Aug. 28.—George J. Gammel, owner of the USA Theatres, has acquired three more neighborhood houses, bringing the total to six. He has taken the Stadium, Columbia and Colonial.

Building at Jet, Okla.

JET, Okla., Aug. 28.—Nelson Smith and John Jordan are erecting a new theatre here to seat 200. They are rebuilding a store building to be used as a theatre.

Basil Remodeling Two

BUFFALO, Aug. 28.—Nicholas J. Basil, of the Dipson-Basil enterprises, plans to remodel the Twentieth Century here and the Hollywood in Lackawanna.

Danz Reopening Uptown

SEATTLE, Aug. 28.—John Danz will reopen the Uptown on Sept. 2 under its former foreign film policy. He has appointed Frank Jenkins as manager.

Jess Cooper Plans House

ANTLERS, Okla., Aug. 28.—Jess Cooper is remodeling an old theatre building here which will open for operation again soon.

Open in Union, S. C.

UNION, S. C., Aug. 28.—The Ritz, Union's newest theatre, has opened under the management of J. D. Luker. The new house, seating 850, will be operated under the direction of All States Theatres, Inc.

Poli Remodeling Three

NEW HAVEN, Aug. 28.—Poli New England Theatres will reseat and renovate the 1,720-seat Loew Palace, Hartford, at once, Harry F. Shaw, division manager, reports. The 1,907-seat Globe, Bridgeport, and the 850-seat balcony of the Bijou here also will be reseated.

Building Iowa House

OMAHA, Aug. 28.—A 300-seat theatre is being completed at Whiting, Ia., to be called the Whiting Theatre, operated by E. E. Hopkins, banker and general store owner.

Remodel Warner Office

NEW HAVEN, Aug. 28.—Warner Theatre offices in the Roger Sherman Building will be completely remodeled to occupy the entire second floor.

Plans House in Sloan, Ia.

SLOAN, Ia., Aug. 28.—A. J. Anderson, auto dealer, will open a 280-seat theatre here about Sept. 15.

Fishman Reopens Lyric

NEW HAVEN, Aug. 28.—Fishman Theatres have reopened the Lyric after keeping this and two other houses dark during the Summer.

Stage Shows for Shubert

CINCINNATI, Aug. 28.—The 2,150-seat RKO Shubert, which reopened two weeks ago with straight films, after the usual summer shutdown, will switch to a stage show and picture policy Sept. 15, for a 25-week season, opening with Jan Garber and his band as the headline attraction.

Resume Duals in Columbus

COLUMBUS, O., Aug. 28.—Loew's Ohio, after playing "The Wizard of Oz" on a single bill, has returned to its double feature policy.

Reopen Soon in Cincinnati

CINCINNATI, Aug. 28.—The Gayety, playing burlesque and pictures, which has been dark for the summer, reopens Sept. 8. Morris Zaidens remains as manager.

Resume Dayton Stage Shows

DAYTON, O., Aug. 28.—The RKO Colonial, which recently reopened with pictures, will resume its combination stage and picture policy September 15, with Bert Wheeler as the initial stage headliner.

Williams Remodels Two

OKLAHOMA CITY, Aug. 28.—K. Lee Williams Theatres, Inc., are spending $5,000 remodeling the Palace at Fordyce, Ark. The circuit also is remodeling the American at Wilburton, Okla.

Rader Plans Theatre

EATON, O., Aug. 28.—Clark C. Rader, Wilmington, O., has purchased a site here for a new 525-seat theatre, to cost $52,000, on which work is scheduled to begin immediately. The house will be a unit of the Rader Brothers, Inc., circuit.

Ricketson Shifts Men

DENVER, Aug. 28.—Rick Ricketson, division manager for Fox Intermountain, has announced several management changes in the territory. Robert Selig, manager of the Hiawatha, Denver, has been promoted to manager of exploitation for the division, a newly created position. Succeeding Selig at the Hiawatha is Charles Lowen, assistant manager at the Tabor. Lloyd Boering has gone to Pocatello, Idaho, as assistant manager, and is succeeded by Charles Moorhead, from Beatrice, Neb. Robert Bothwell, from Pocatello, has gone to Helena, Mont., as assistant manager. Otto Bartusch, from Laramie, Wyo., has been named to Sterling, Col., replacing Robert Penner who has taken over the city managership at Alliance, Neb.

Sells New Mexico House

DENVER, Aug. 28.—W. J. Sturgis has sold the Real Theatre at Roy, N. M., to Harley H. Butler.

Remodel Missouri House

KANSAS CITY, Aug. 28.—Griffith-Dickinson Theatres, Inc., have started remodeling the Peoples, Pleasant Hill, Mo. New booth equipment and air conditioning will be installed.

'Livingstone' Gets $6,600 In Milwaukee

MILWAUKEE, Aug. 28.—"Stanley and Livingstone," dualed with "Quick Millions" connected for $6,600 at Fox's Wisconsin. "On Borrowed Time" and "Blondie Takes a Vacation" collected $5,000 in eight days at the Palace. The Wisconsin State Fair offered stiff competition.

Estimated takings for the week ending Aug. 24:

"On Borrowed Time" (M-G-M)
"Blondie Takes a Vacation" (Col.)
PALACE—(2,400) (25c-35c-50c) 8 days. Gross: $5,000. (Average, $4,000)
"She Married a Cop" (Rep.)
RIVERSIDE—(2,700) (25c-30c) 7 days. Stage: Jack LaRue, Evelyn Brent, Stepin Fetchit. Gross: $7,000. (Average, $6,500)
"Four Feathers" (U. A.)
"Hotel For Women" (20th-Fox)
STRAND—(1,400) (25c-35c-50c) 7 days, 2nd week. Gross: $1,500. (Average, $1,500)
"When Tomorrow Comes" (RKO)
"The Angels Wash Their Faces" (W. B.)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: $4,800. (Average, $4,500)
"Stanley and Livingstone" (20th-Fox)
"Quick Millions" (20th-Fox)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: $6,600. (Average, $5,500)

'Oz' Is Kansas City Leader at $14,400

KANSAS CITY, Aug. 28.—"The Wizard of Oz" drew $14,400 at Loew's Midland in a good week. "Bachelor Mother" took $7,100 at the reopened Orpheum. The weather was cool.

Estimated takings for the week ending Aug. 22-24:

"Hotel For Women" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days, 2nd week. Gross: $2,700. (Average, $3,000)
"The Wizard of Oz" (M-G-M)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $14,400. (Average, $11,500)
"Our Leading Citizen" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $6,800. (Average, $7,000)
"Bachelor Mother" (RKO)
"Saint in London" (RKO)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $7,100. (Average, $5,000)
"Hotel For Women" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days, 2nd week. Gross: $3,400. (Average, $3,500)

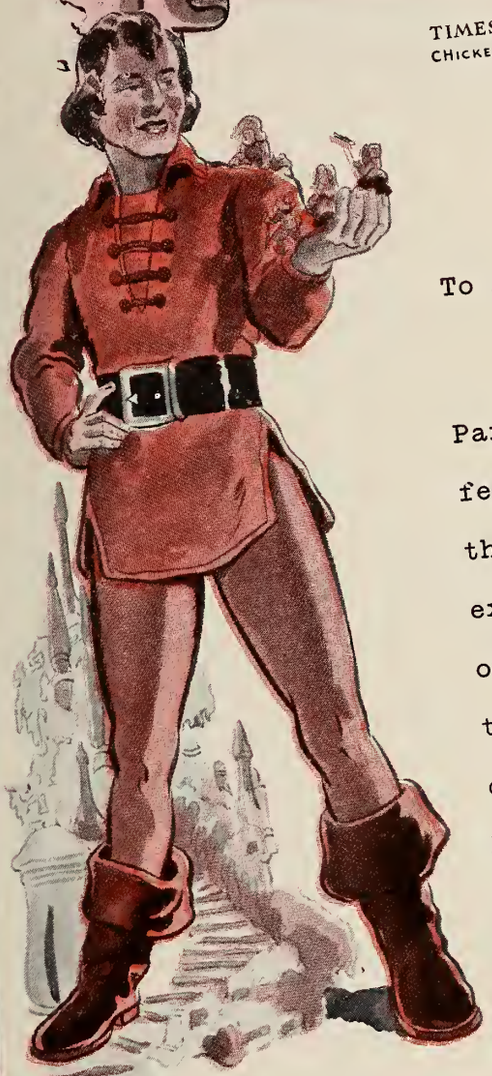
PARAMOUNT'S

"GULLIVER'S TRAVELS"

PRODUCED BY FLEISCHER STUDIOS

TIMES SQUARE
CHICKERING 4-7040

NEW YORK
CABLE ADDRESS FAMFILM



IMPORTANT NOTICE!

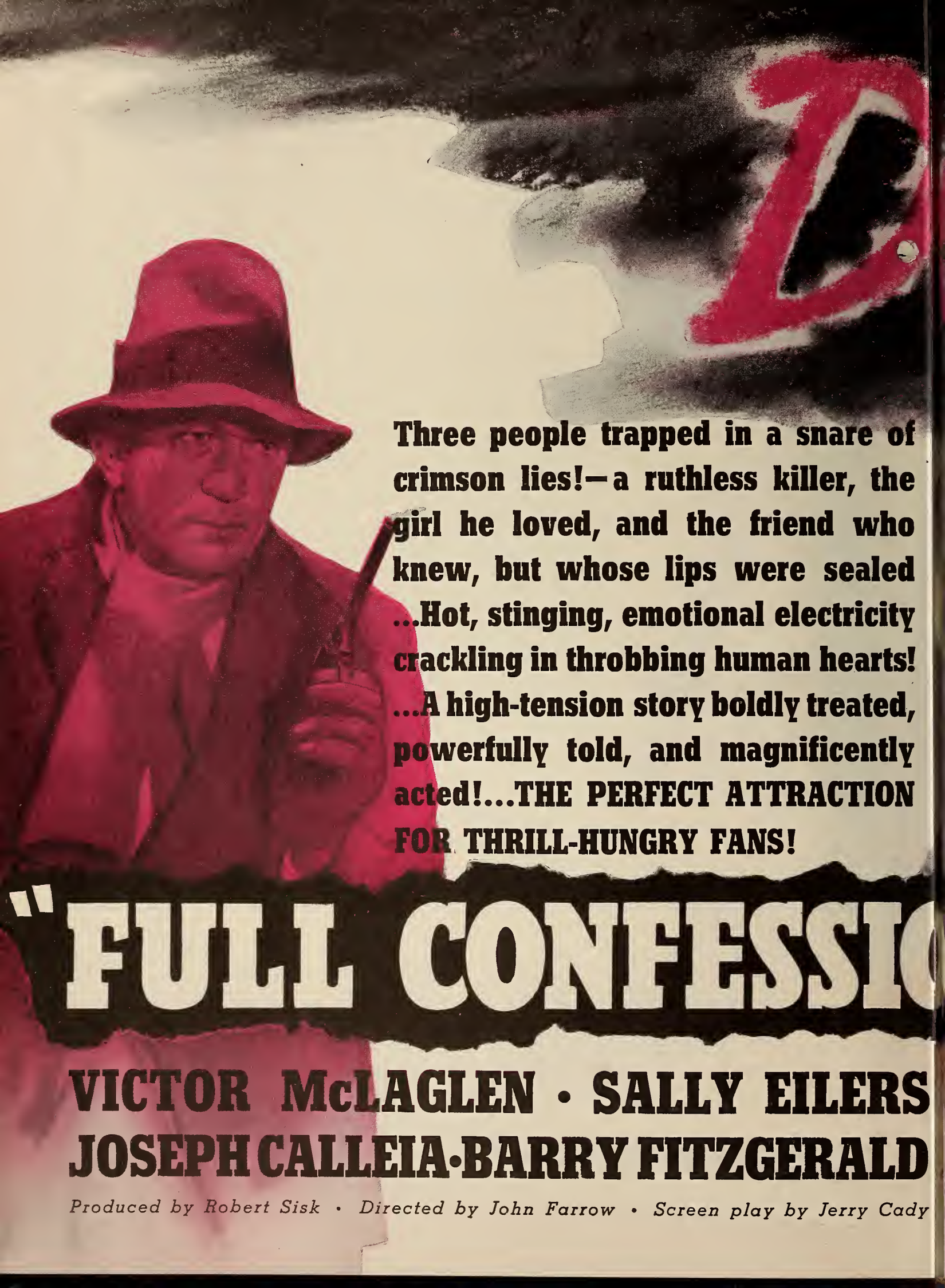
To All Radio Executives: Agency, Station or Sponsors:

All Radio and television broadcasting rights to Paramount's "Gulliver's Travels," the full-length feature cartoon in Technicolor now being produced by the Fleischer Studios for December release are the exclusive property of Paramount Pictures, Inc. No one other than Paramount Pictures, Inc. has the right to sell or agree to sell or to make any commitments concerning any radio or television adaptation of Paramount's "Gulliver's Travels," or any radio or television extracts from Paramount's "Gulliver's Travels." Any inquiries concerning the use of this important entertainment property for radio or television broadcasting should be addressed to Paramount Pictures, Inc., 1501 Broadway, New York City.



PARAMOUNT'S FULL-LENGTH FEATURE CARTOON IN TECHNICOLOR!

Paramount Pictures



Three people trapped in a snare of crimson lies!—a ruthless killer, the girl he loved, and the friend who knew, but whose lips were sealed ...Hot, stinging, emotional electricity crackling in throbbing human hearts! ...A high-tension story boldly treated, powerfully told, and magnificently acted!...THE PERFECT ATTRACTION FOR THRILL-HUNGRY FANS!

"FULL CONFESSIO

VICTOR McLAGLEN • SALLY EILERS
JOSEPH CALLEIA • BARRY FITZGERALD

Produced by Robert Sisk • Directed by John Farrow • Screen play by Jerry Cady


doom!
N"
R K O
RADIO
PICTURES

Seek F. C. C. Permits for 2 New Stations

WASHINGTON, Aug. 28.—Construction permits for two new broadcasting stations have been asked of the Federal Communications Commission.

Applications were filed with the commission by E. W. Williams, Corbin, Ky., for a new 1,500-kilocycle, 100-watt station, and V. O. Stamps, Dallas, for a 1,370-kilocycle, 250-watt station using facilities to be relinquished by Station KFJZ. Applications were also filed by Station WSLR, Boston, asking for authority to move its transmitter from Boston to Scituate, Mass., and Station KRGV, Weslaco, Tex., asking for a change of frequency from 1,260 to 630 kilocycles.

The commission also announced that it tentatively had set Oct. 2 as the date for hearings on the applications of the Nevada Broadcasting Co. and the Las Vegas Broadcasting Co., Inc., for new stations at Las Vegas, Nev., the former on 1,370 and the latter on 1,420 kilocycles, both with 100 watts night, 250 watts day, and Oct. 4 for a hearing on the application of the Publix Bamford Theatres, Inc., for a new 1,430-kilocycle, 1,000-watt station at Asheville, N. C.

CBS to Cooperate On Montreal Plays

MONTREAL, Aug. 28.—Canadian Broadcasting Corp. is planning to cooperate with the Montreal Repertory Theatre, one of the largest little theatre groups in the Dominion, in developing radio dramatizations by the stage organization over the CBC network. The plan will get under way sometime in October.

Martha Allen, head of the Repertory Theatre, is now negotiating for exclusive air rights to all novels of Governor General Lord Tweedsmuir and John Buchan Bracket, and CBC is to lend producers for the broadcasts. In connection with the broadcasts, the Repertory's theatre in Montreal will be revamped to contain a broadcasting studio.

Hunter to Record Firm

James H. Hunter has been appointed vice-president in charge of production of the Columbia Recording Corp., CBS subsidiary. Hunter will supervise all manufacturing operations of Columbia, Brunswick and Vocalion recordings. He was previously affiliated with RCA Manufacturing Corp.

Buys KCMO Interest

KANSAS CITY, Aug. 28.—Orville S. McPherson, publisher of the Kansas City *Journal*, has purchased an interest in KCMO. The station and the newspaper inaugurated a cooperative arrangement June 5, and this spring KCMO went to a new frequency of 1,450, and to 1,000 watts.

WOR Sells News Spot

WOR has sold its 33rd and last available quarter-hour of news broadcasts, to Bond Stores, Inc. Transradio News will be broadcast from 12:45 to 1 P. M. Sunday, for 52 weeks.

BANNER RADIO LINES

By JACK BANNER

TO the ever-growing list of activities which have been televised, add big league baseball, which made its debut in television Saturday when the double header between the Dodgers and Cincinnati was "caught" by NBC for the benefit of what ever television audience it has. Extent of that audience, by the way, is still a mystery.

The television camera gave a remarkably clear and easy-to-follow account of the games. The last time NBC televised a ball game, which was a college affair, the results were disappointing because the network had but one camera with which to catch the action. Now, however, NBC boasts two cameras, and the result was a remarkable improvement. Chiefly interesting, however, was the way in which play-by-play caller Red Barber handled the "commercials."

It provided an insight into the manner in which commercials will be given in television when the art sells itself as a sales medium. The Dodger games are sponsored by "Wheaties," and several times during lulls in the games and between innings, Barbour elaborately held up a carton of Wheaties, broke the seal, poured the contents into a bowl, spilled milk and cream over the flakes and began to munch on the food. It really made mouths water to see Red, a husky lad, dig into the concoction. For another commercial, Red put on the cap of a Socony gas station attendant, and held up several packages of the company's product.

TEXACO interests have settled casting problems of their "Star Theatre" program, which returns to the air over CBS Sept. 13. As previously indicated, the hour will be split in half to accommodate two separate programs, one originating in Hollywood, the other in New York. First half, from 9 to 9:30 P. M., will have Frances Langford, Kenny Baker as vocalists; David Broekman's orchestra and Ken Murray as M.C. Ed Gardner will produce. The remaining half-hour will present stars of the stage in dramatizations of play hits, with adaptations by George Faulkner, and direction-production by Tony Stafford.

SOME weeks ago, when the European situation appeared more or less tranquil, Hans V. Kaltenborn decided upon a European vacation, and as pinch-hitter for H. V. K., CBS selected Elmer Davis, well known newspaperman and author, formerly of the *Times*. Davis expected to do some calm, dispassionate commentaries about the European situation. Then suddenly the bombshell of the present crisis blew up in his face. He's been practically camping at the microphone for 24-hour stretches for the past week, doing a great job under terrific pressure. He has received little of the ballyhoo that Kaltenborn was accorded during the Czech crisis, but he certainly rates a share of praise.

CBS is attributing the defeat of its soft ball team in Madison Square Garden Sunday, where the Hellzapoppin team vanquished the network nine, to the European crisis. Of the 16 CBS players who reported at the Garden, only five were able to remain for the duration of the contest. The others were forced to return to the network for the crisis broadcasts.

JACK KNELL of WEEI, Boston, who received an award from the Headliners Club for his scoop of describing the rise of the diving bell in its first ascent with survivors of the *Squalus* submarine disaster, has just received another reward in being brought to New York to work in special events at CBS.

Vancouver Houses Fight Union Demand

VICTORIA, B. C., Aug. 28.—Independent theatre owners of Vancouver have appealed to the Provincial Government for repeal of regulations forcing them to employ two projectionists at all times during show hours. Otherwise, they said, they might be forced to close.

Attorney-General Gordon Wismer suggested a round-table conference of theatre proprietors, the Government and projectionists. Representatives of the independent theatres suggested that regulations be altered so that those houses which may be classed as "suburbans" would not come within the scope of the act requiring the presence of two projectionists at all times, allowing the smaller shows to operate with one only.

Garrison Has Short

Garrison Films, Inc., is releasing a musical short produced by Motion Picture Guild, Inc., titled "A Musical Message from Hollywood."

New Firm Chartered By Williams-Griffith

OKLAHOMA CITY, Aug. 28. — A Delaware charter for the Williams-Griffith Theatres, Inc., was obtained recently with capital stock listed at $250,000. Officers of this company are H. R. Williams, brother of K. Lee, president; K. Lee Williams, vice-president; H. J. Griffith, secretary-treasurer; Harry McKenna, assistant secretary-treasurer.

The Delaware corporation will operate theatres in Nebraska, Iowa and South Dakota. First operation is at Nebraska City, Neb., where the company has already acquired two theatres and one theatre at Folney, Neb., both formerly operated by the Griffith-Dickinson circuit out of Kansas City.

M-G-M Buys 'Mothers'

M-G-M has purchased rights to "40 Little Mothers," as a vehicle for Eddie Cantor, from Edwin Fadiman of National Pictures Corp., owners of the French scenario and film.

Real Charity

Cincinnati, Aug. 28.—The Cincinnati Variety Club completed all arrangements and defrayed the entire expense of funeral and burial of Edward Pence, a crippled orphan, who died at the Tuberculosis Hospital last week. The club plans later to erect a grave marker on which probably will be carved a miniature barker, the official insignia of the Variety Clubs of America. Joseph Goetz, H. J. Wessel, members of the "Heart" committee were in charge of the funeral arrangements.

Bank Night Wins Mansfield, O., Test

MANSFIELD, O., Aug. 28.—Bank Night was given a clean bill of health here when City Solicitor Marian Ward refused to issue an affidavit against Grattan Johnson, manager of Warners' Madison, for violation of the Ohio lottery law, as requested by Police Chief Meade K. Bates. The request was based on the first award made to a patron holding a paid admission ticket. Arrests have been threatened continuously since the game recently was inaugurated.

"In reading cases involving lotteries and schemes of chance it is apparent that the purpose of the law, and consequently the duty of this office is to prosecute types of gambling and lotteries involving moral turpitude and the lure of gambling to the extent that men's wages are fleeced, families deprived of food, shelter and clothing, and not to prosecute gift awards operated solely for the purpose of promoting business," was the written opinion handed down by the city solocitor.

Drive Halts Bingo At Milwaukee Party

MILWAUKEE, Aug. 28.—The drive against bingo games here by small business men and exhibitors has resulted in the Farmer-Labor Progressive Federation and Socialist party cancelling their sixth annual bazaar scheduled for Nov. 8 to 12 in the Auditorium.

Prime factor in cancelling the event was the circuit court injunction in July restraining the games at the Midsummer Festival here. Hearing will be held Sept. 11 on the petition of Charles W. Trampe, head of Film Service, Inc., against the Bahn Frei Hall, to restrain the hall from holding Bingo games.

Cannon Joins WSGN

BIRMINGHAM, Ala., Aug. 28.—Carl Cannon, for the past five years connected with NBC in New York, has been appointed publicity and promotion manager of WSGN, the Birmingham News-Age-Herald station. Cannon was editor of the *Transmitter*, house organ for NBC.

Build WLWO Equipment

CINCINNATI, Aug. 28.—Work on the new 50,000-watt transmitter of WLWO, now under way, is scheduled for completion in the Fall. Use of a beam antenna will enable the station to concentrate its signal in a given area.

THE MOST SIMPLIFIED THEATRE BOOKKEEPING SYSTEM YET DEVISED



Compiled by
THEODORE J. SULLIVAN
$2.00 POSTPAID

THEATRE MANAGEMENT RECORD AND ANNUAL TAX REGISTER

Book is 13 x 10 in size, printed on a special green stock that is particularly easy on the eyes. Covers are sturdy, with bronze "wire-o" binding, holding ledger sheets firmly and keeping them absolutely flat. Designed so that a flip of the sheet gives the exact page wanted.

PROVIDES FOR ALL OPERATING FACTS AND FIGURES, TICKET AND SOCIAL SECURITY LEVIES AND ANNUAL STATEMENTS AND INCOME TAX RETURNS

This Record and Accounting System has been compiled to meet the urgent need for an up-to-date and easy method of theatre bookkeeping. It is a complete but simplified record of fiscal facts . . . a repository of operating data that is a miracle of convenience.

Individual sections include: (1) Holiday and Important Date Record, (2) Film Clearance Chart, (3) Insurance Record, (4) Equipment Purchase Record, (5) Annual Charges, (6) Weekly Operating Facts, (7) Summary, (8) Contract Records.

TEAR OUT AND MAIL COUPON TODAY →

QUIGLEY BOOKSHOP, ROCKEFELLER CENTER, NEW YORK

Here is my check for $2.00. Send me "Theatre Management Record."

Name _____

Address _____

City and State _____

Theatre _____

HIGH INTENSITY PROJECTION VS. LOW INTENSITY PROJECTION



A GLANCE AT THE FIGURES BELOW WILL SHOW WHY MORE THAN ONE THIRD OF THE THEATERS IN THIS COUNTRY HAVE ADOPTED HIGH INTENSITY PROJECTION

COLOR COMPOSITION



HIGH INTENSITY LIGHT

The even color balance of high intensity projection light gives natural and pleasing screen reproduction of color features.

Lack of blue and excess of red in low intensity projection light distort the natural hues and beauty of color features.



LOW INTENSITY LIGHT

VOLUME OF SCREEN LIGHT 2.7:1



Simplified High Intensity projection provides 2.7 times the volume of screen illumination obtained from low intensity lamps. This gives a clear screen image at a comfortable level of general illumination.

EFFICIENCY OF LIGHT PRODUCTION 2.5:1

Simplified High Intensity lamps provide 2.5 times as much screen light per watt as low intensity. You cannot afford to retain low intensity projection when a few cents more per day will give you *snow white* projection light in more than twice the volume.



SIMPLIFIED High Intensity PROJECTION WITH "NATIONAL" "SUPREX" CARBONS

ECONOMICAL AND MODERN

NATIONAL CARBON COMPANY, INC.

Unit of Union Carbide UCC and Carbon Corporation

CARBON SALES DIVISION, CLEVELAND, OHIO

General Offices: 30 East 42nd Street, New York, N. Y.

BRANCH SALES OFFICES: NEW YORK PITTSBURGH CHICAGO SAN FRANCISCO

The words "National" and "Suprex" are trade-marks of National Carbon Company, Inc.

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 42 NEW YORK, WEDNESDAY, AUGUST 30, 1939 TEN CENTS

$42,000 Profit By Monogram In Six Months

Stockholders Vote Oct. 5 Upon Directors

Monogram Pictures Corporation's profit for the first six months, this year, ending June 30, will amount to $42,000, according to Wall Street authorities.

These earnings exceed normal expectations.

The company's annual stockholders' meeting is scheduled Oct. 5, when a revised slate of directors headed by W. Ray Johnston, president of the company, will be presented for action by stockholders.

In addition to Johnston, the revised slate of directors which is to be presented for stockholder action will include Henry Briggs, president of Pathe; Thomas Loach, vice-president of Pathe, Trem Carr and William Jaffe of the law firm of Rosenblatt and Jaffe, counsel to the company.

Others slated for the board are Scott R. Dunlap, vice-president for production; Steve Broidy, representing important Boston shareholders; Norton V. Ritchey and Joseph Sisto.

Elections in Studios By Sept. 21 Ordered

WASHINGTON, Aug. 29.—The National Labor Relations Board today approved an agreement reached in Hollywood a week ago to settle the controversy over collective bargaining representation of studio employees, and ordered ten producing companies, acting as a unit, to hold a secret ballot election on or before Sept. 21.

The vote will determine whether the employees are to be represented by the I.A.T.S.E., the independent United Studios Technicians Guild, or by neither. Employees who have been employed 60 working days from Jan. 1 to July 15, last, and who are within stipulated categories of employment will be permitted to participate in the election.

Companies which are to act jointly in providing for the ballot are Columbia Pictures, Loew's, Inc., Paramount, RKO, Walter Wanger Productions, Twentieth Century-Fox, Universal, Warner Brothers, United Artists and Hal E. Roach Studios.

Warners Signs Up 78% of All Circuits For '39-'40 Season

Warners, after weeks of negotiation with National Theatres, has healed the breach with the 450-theatre circuit.

A product deal has been lined up for the entire circuit with the exception of about 45 independent situations which were sold by Warners after it disclosed its controversy with National Theatres.

The contracts with the independents, who are in competition with National Theatres, are for one year. They are scattered through the midwest and on the coast, chiefly in Kansas, Missouri, California and the Seattle area.

The company has closed new season product deals with 78 per cent of its total circuit possibilities, according to Gradwell L. Sears, general sales manager. He said this compares with 63 per cent closed for the same period last year and that the 15 per cent increase is "despite the fact that Warner Bros. has completely revised its contract terms for its 1939-'40 features which call for higher film rentals than ever before." Sears declared the increase is to meet higher production costs.

Among other circuits already lined up by Warners are: Loew's, New York City; RKO, New York City and out of town; Mullin & Pinanski, New England; Comerford Theatres; Schine circuit; Shea-Publix, Buffalo; Famous Players Canadian Corp.; Maine & New Hampshire circuit; Wilmer & Vincent; Gibralter Enterprises, Colorado; Interstate Theatre Circuit, Texas; Balaban & Katz, Chicago;

(Continued on page 2)

GROOM ROOSEVELT AS CHIEF OF AMPP

Rodgers Promises Code Data By Sept. 8

Los Angeles, Aug. 29.—W. F. Rodgers, chairman of the industry trade practice committee, has promised a definite announcement relative to the code and commercialized preview and move-over situation problems by Sept. 8 in time for the annual meeting of the I.T.O. of Southern California.

This was made known today by Albert A. Galston, I.T.O. president, as result of a conference he had with Rodgers during the Loew's, Inc., executive's short stay here. Rodgers left tonight for New York.

Producers Combat NLRB Jurisdiction

LOS ANGELES, Aug. 29.—Eight major producers charged with violating the Wagner act in Screen Writers Guild negotiations today, through written testimony, denied that N.L.R.B. has jurisdiction over film industry and, through oral testimony, presented refutations of charges of blacklist threats.

Upon being given two weeks in

(Continued on page 5)

Study of Studio Situation To Fit President's Son for Post

HOLLYWOOD, Aug. 29.—The recently announced assignment of James Roosevelt is being interpreted here as an initial step in the direction of establishing Roosevelt in the position of head of the producers' association.

While no official word on the subject has been thus far made available it is acknowledged by persons in a position to know that the Roosevelt assignment to conduct a survey of studio conditions and inter-studio relations is a grooming operation intended eventually to lead to his retirement from the Goldwyn organization and his appointment as chief executive of the Association of Motion Picture Producers, Hollywood.

The executive work of the association has long been in the hands of Fred Beetson as secretary-treasurer. The presidency of the association has been largely a chairmanship position, occupied by a leading production executive. The present incumbent is Joseph M. Schenck who, two years ago, succeeded Louis B. Mayer, who had been president for seven years.

On various occasions there has been

(Continued on page 2)

Exhibitors Attend Columbia Parley

Columbia today inaugurates a series of conferences with prominent exhibitors designed to bring the theatre operator's viewpoint into production policy. The company hopes thereby to promote closer relations with exhibitors.

The first meeting will take place today with several exhibition leaders discussing production and showmanship problems with Harry Cohn, president; Jack Cohn, vice-president, and Abe Montague, general sales manager.

Exhibitors attending will include Si Fabian, Fabian Theatres, New York; Harry Arthur, St. Louis; David Chatkin, Monarch Theatres; Izzy Rappaport, Hippodrome, Baltimore, and Charles Heyman, Lafayette, Buffalo.

"The conference will bring to Columbia's production department first hand views, from an exhibitor's angle, of what audiences want in screen entertainment," says a Columbia statement. Several similar sessions are planned from time to time.

'Battle is On!' 4-A Warns As Truce Parley Fails

Last minute conferences to avert actor strikes which would tie up every phase of the entertainment field failed yesterday when a delegation from the Associated Actors and Artistes of America was unable to agree on peace terms with George E. Browne, president of the I.A.T.S.E.

The failure of both sides to agree resulted in declarations of "The fight is on!" from 4-A international board members, although no comment was forthcoming from the I.A.

The opening gun is expected to be fired Monday morning at 10 o'clock when Sophie Tucker, president of American Federation of Actors, reports for a "run-through" rehearsal of "Leave It to Me!" which is scheduled to resume its run that night.

Equity members are under instructions not to work with her and stagehands have been ordered not to work without her. Retaliatory measures are then expected to be taken by the Screen Actors Guild and other 4-A unions although 4-A board members insisted last night that the exact nature of such measures had not been determined.

Aid in the form of moral encouragement and financial support will be given by the Guild to United Studio Technicians Guild to help the latter wrest control from the I.A. in the forthcoming N.L.R.B. collective bargaining agency election, it was said. Additionally, the S.A.G. is pledged

(Continued on page 5)

J. Roosevelt Seen as Next AMPP Chief

(Continued from page 1)

an agitation among association members for a so-called working executive who would devote his whole time to administration of the affairs of the association. It is now understood that interest has become centered on young Roosevelt for this position and that he will proceed there after completing the preliminary survey work.

James Roosevelt became vice-president of Samuel Goldwyn, Inc., on Dec. 5 of last year, after serving as administrative assistant and secretary to his father, President Franklin D. Roosevelt. He is a graduate of the Groton School and of Harvard. Roosevelt also attended the Boston University Law School for one year.

Before entering the Government service under his father, he was in the insurance business, being associated with several firms in Boston and New York until 1935. He helped organize the insurance firm of Roosevelt & Sargent, Inc., in Boston, of which he served as president until Jan. 1, 1937. It was in January, 1937, that he joined his father's White House staff.

Roosevelt holds a commission as Lieutenant-Colonel in the U. S. Marine Corps Reserve. He will be 32 years of age Dec. 23 next. He was born in New York City.

Cherniavsky Back

TORONTO, Aug. 29.—Compelled to leave Europe where he was engaged in a concert tour because of the critical situation, Jan Cherniavsky, pianist, has returned to Canada and will resume his radio programs over CBC. His concert dates in Vienna, Budapest, Warsaw, Prague and other cities were cancelled because of international developments. He expects to tour South Africa starting next Spring if the war clouds are dissipated.

Story for Ann Sheridan

HOLLYWOOD, Aug. 29. — Warners have acquired "Dangerous Curves" as a starring vehicle for Ann Sheridan. Before that she will appear in "City of Lost Men," just finished, and "Torrid Zone," her next, with George Raft.

3 Flights Daily
NEW YORK
TO
LOS ANGELES
It's Cool All the Way!
THE PLAINSMAN
Lv. 7:10 A. M Ar. 12:29 A. M.
THE MERCURY
Lv. 5:10 P. M. Ar. 7:43 A. M.
THE SOUTHERNER
Lv. 10:10 P. M. Ar. 1:55 P. M.
Ask your travel agent or phone HAvemeyer 6-5000. Ticket offices: 45 Vanderbilt Ave. and Rockefeller Center at 18 W. 49th St.
AMERICAN AIRLINES Inc.

Purely Personal

LEONARD GAYNOR of Columbia leaves today with WILLIAM HOLDEN, playing the title role of "Golden Boy," for a personal appearance tour which starts tomorrow in Washington, and includes appearances in Philadelphia, Saturday; next Wednesday, Pittsburgh, and concluding in Chicago.

•

ROY BENJAMIN, architect for the E. J. Sparks Circuit in Jacksonville, Fla.; ETHEL NEELLEY, secretary to M. S. HILL, division manager for North Carolina Theatres in Greensboro, N. C.; EUGENE J. GILBERT, architect for the Saenger Circuit in New Orleans; DONALD P. COLE and son DONALD, JR., and M. A. LIGHTMAN, Paramount partner in Memphis, among visitors to the World's Fair.

•

JOSEPH MALCOLM, SAMUEL CITRON, LEW GOLDER, SOL LESSER, SOL LESSER, JR., WILLIAM FITELSON, MONROE GREENTHAL, HAL HORNE, JACK GOETZ, CHARLES GOETZ, LOU IRWIN, BENN JACOBSON, JOSEPH LANG and HARRY L. GOLD at BOB GOLDSTEIN'S Tavern yesterday, for lunch.

•

MRS. RUSSELL MUTH, wife of the Movietone News director in Europe, and relatives were slightly injured Monday when the car in which they were riding was wrecked near Poughkeepsie. They were en route to New York to meet MUTH, who arrived from Europe.

•

CHARLES EINFELD, director of advertising and publicity for Warners, left last night for the Coast after conferences with G. L. SEARS, CARL LESERMAN and MORT BLUMENSTOCK here.

•

HELEN TWELVETREES will star in "You Can't Take It With You" at the Starlight Theatre, Pawling, N. Y., next week, the 15th and final bill of Starlight's summer season.

•

MR. and MRS. H. J. YATES and MR. and MRS. GENE AUTRY and party plan to sail from England on the *Manhattan* tomorrow, arriving here Tuesday.

•

BEN BOX, Movietone News sound man, is mourning the death of his sister, MRS. SMITHERS, who was killed in an automobile accident in Brooklyn yesterday.

•

LUIS ENRIQUE PEREZ, Republic distributor in Venezuela, is due in New York from Caracas on Thursday. He expects to remain here for two weeks.

•

JACK WARNER has canceled plans to sail to England and is remaining on the Coast until the crisis clears, if it does.

•

WALTER J. HUTCHINSON, 20th Century-Fox director of foreign distribution, is due today from Coast product conferences.

•

WILLIAM F. RODGERS, general sales manager of M-G-M left the Coast last night and is due here Friday.

•

ROLAND YOUNG has arrived from Europe.

MARLENE DIETRICH, following her recent arrival from abroad, conferred with her attorney, WILLIAM JAFFE (Rosenblatt & Jaffe) regarding tax claims against her, before leaving for the coast.

•

DOMENICK BARRECCA, district manager of Loew theaters in the South Brooklyn area, is vacationing in Herkimer, N. Y., while SEYMOUR MAYER, district manager in the Brownsville district, is substituting for him. MAYER is also filling in for district manager GEORGE SCHENCK of the Bedford, Flatbush and downtown Brooklyn Loew houses, who is on the coast on vacation.

•

ANNA NEAGLE, English actress and star of "Nurse Edith Cavell," has been made a life member of the Canadian Red Cross Society through the offices of Col. J. A. Cooper, president of the Motion Picture Distributors of Canada, and an official of the society.

•

ROBERT EVES, manager of the Oakwood, Toronto, and a champion golfer, won a driving competition at the annual tournament of the St. Andrews Golf Club, held under the auspices of the North Toronto Businessmen's Association.

•

CLAIRE DODD will return to Hollywood soon to appear in RKO's "Reno," first of a new series starring RICHARD DIX. MISS DODD left the coast for the New York stage last November.

•

BARRETT C. KIESLING, Metro-Goldwyn-Mayer's traveling press representative, returned to the Coast studio yesterday after a tour of 80 cities which required five months.

•

CONSTANCE BENNETT, who arrived Monday on the *Normandie* from Europe, will stay at the Waldorf-Astoria for a week before returning to the coast.

•

JOSEPH Q. RIZNIK, San Francisco magazine writer, has left the staff of the *Call-Bulletin* there to do the story treatment for Columbia's "March of Crime."

•

BRODERICK CRAWFORD has been signed to a long term contract by WALTER WANGER (U.A.). He will appear next in "Send Another Coffin."

•

FRANK J. A. MCCARTHY, eastern sales manager for Universal, left for Boston yesterday on a circuit deal. He returns later this week.

•

LEO ABRAMS, Universal's short subject sales manager, left yesterday for one-day stops at Syracuse, Albany and Buffalo exchanges.

•

WILLIAM F. RODGERS, general sales manager of M-G-M, is due in New York from the coast on Friday.

'5th Ave. Girl' to Stay

"Fifth Avenue Girl," Gregory La-Cava's gay comedy starring Ginger Rogers, will be held over for a second week on the screen of the Radio City Music Hall starting tomorrow, Thursday, as one of the largest Summer audiences on record continues to crowd the playhouse.

78% of Circuit Deals Signed By Warners

(Continued from page 1)

Redwood Theatres, California; Consolidated Amusement Co. Honolulu; Warner Bros. Theatres, Inc.; Frisina Amusement Co.; Thalheimer Theatres, Richmond, Va.; Manos Theatres, Western Pennsylvania; Robb & Rowley, Texas; Blumenfeld circuit, California; Sterling Theatres, Seattle; Fourth Ave. Amusement Co., Louisville, and the Libson Theatres, Cincinnati and Louisville.

Warners began early selling, starting immediately after the sales convention in March, and, with a strong lineup of product, "was able to close hundreds of circuit deals by April 1," Sears said.

"Warners' 1939-'40 features are assured of far greater theatre coverage than ever before," he continued. "Hundreds of new contracts were received over last weekend for home office approval, with only a few deals remaining to be signed before we will have attained our maximum exhibition possibilities."

Sears said the company will start its new releasing season Friday with 377 simultaneous playdates on "The Old Maid," first release of the season. Among films to follow will be "Dust Be My Destiny," "A Child Is Born," "On Your Toes" and "The Roaring Twenties."

Holden, Raft to Star

HOLLYWOOD, Aug. 29. — Warners have signed William Holden to star with George Raft in "Invisible Stripes," with Holden taking the role originally scheduled for James Cagney. The story is by Warden Lewis E. Lawes and Jonathan Finn. It will be directed by Lloyd Bacon.

New Starrett Film

HOLLYWOOD, Aug. 29. — Charles Starrett, Columbia's western star, who has just completed "Riders of Black River," has started work in a new outdoor drama entitled "The Men Trailer."

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THERE'S A FORTUNE IN YOUR PALM!

The Previews of M-G-M's "The Women" and "Babes in Arms" have been held!

When you see them for yourself you will understand the furore they have created.

No season has ever, thus early, yielded two such sensational attractions.

Previews of other early releases from M-G-M will be held shortly. What you have heard is true. M-G-M is racing far ahead of the entire field. The wise money is on Leo!

NORMA SHEARER · JOAN CRAWFORD Rosalind Russell in "THE WOMEN" with Mary Boland · Paulette Goddard Phyllis Povoh · Joan Fontaine · Virginio Weidler · Lucile Watson · From the Play by Clare Boothe · By Arrangement With Max Gordon Plays ond Pictures Corporotion · Screen Play by Anito Loos ond Jone Murfin · Directed by George Cukor · Produced by Hunt Stromberg

MICKEY ROONEY ond JUDY GARLAND in "BABES IN ARMS" with Charles Winninger · Guy Kibbee · June Preisser Grace Hayes · Betty Jaynes · Douglas McPhail · Rand Brooks · Leni Lynn John Sheffield · Screen Play by Jack McGowon ond Kay Van Riper · Bosed on the Ploy by Richard Rodgers ond Lorenz Hart · Directed by Busby Berkeley · Produced by Arthur Freed

"Oz" Scores Big $17,500, Frisco Best

SAN FRANCISCO, Aug. 29.—"The Wizard of Oz" set a new mark for the year at the Warfield with $17,500. "When Tomorrow Comes" and "They Asked for It" drew an excellent $9,500 at the Orpheum in the second week.

Estimated takings for the week ending Aug. 22-25:

"The Spellbinder" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $12,800. (Average, $15,000)
"When Tomorrow Comes" (Univ.)
"They Asked for It" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $9,500. (Average, $8,000)
"Lady of the Tropics" (M-G-M)
"They All Come Out" (M-G-M)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $4,200. (Average, $6,000)
"Each Dawn I Die" (W. B.)
"Indianapolis Speedway" (W. B.)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: $15,000. (Average, $16,000)
"Stanley and Livingstone" (20th-Fox)
"Charlie Chan at Treasure Island" (20th-Fox)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $10,000. (Average, $11,500)
"They Shall Have Music" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 3rd week. Gross: $6,600. (Average, $8,000)
"The Wizard of Oz" (M-G-M)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: $17,500. (Average, $12,000)
"The Ware Case" (20th-Fox)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $1,100. (Average, $1,000)
"Return of the Frog" (Br. Lion)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $850. (Average, $1,000)

Hold Beauty Contest At Brooklyn House

Loew's key Brooklyn theatre, the Metropolitan, hailed Ann Sheridan in "Winter Carnival" last night with a bathing beauty contest to select the borough's "Glamour Girl of 1939." More than 225 local girls of 16 years and over participated, with George White, Broadway producer; Nils T. Granlund (N.T.G.); Jack Haley, Eddie Zeltner, Chester Hale, Ben Jacobson, M-G-M talent scout, and Clifford Evans, *Brooklyn Eagle* columnist, acting as judges.

The contest, staged by Edward Dowden, Loew's Brooklyn advertising and publicity head, included Ann Cvirak, the World's Fair's "Miss Greater New York," as a contestant. The winner received a 28-inch gold-plated trophy. Terry Shand and the Bossert Hotel orchestra played.

Charity Show for Club

CINCINNATI, Aug. 29.—The Cincinnati Variety Club will sponsor an entertainment of music, wrestling, athletics and vaudeville at the Music Hall Arena, Sept. 15, with proceeds to go to the St. Mary's Hospital Milk Fund, which the club has been looking after for several months. Harry Hartman, WCPO sportscaster, is chairman, assisted by Mike Greenberg, Paul Krieger and Allan S. Moritz. Noah Schecter will direct the entertainment, with Al Bechtold as assistant director.

Title Changed

"Scotland Yard," 20th Century-Fox film starring Warner Baxter, has been retitled "Uncensored."

London Trade Notes

LONDON, Aug. 29.—A proposal to institute a special license fee where seven-day theatres are in operation, is likely to come before the London and Home Counties Councils this Autumn.

The proposed license would completely alter the system whereby theatres have to apply for permission to open on Sundays and have to pay heavy contributions to charity and the Privy Council.

Proposals under the 1932 Act may be renewed. They were drafted last Summer and backed by the London County Council and the Home Counties licensing group, and were submitted to the Home Office.

Pressure of A.R.P. and emergency work has delayed action, but it is possible that the matter will be renewed after the recess.

Flint (Wales) educational authorities are considering installing film equipment in all secondary schools. Radio already has been provided for each one.

Last year a joint film committee representing the T.U.C., Labor Party and the National Cooperative Education Committee film department, worked out plans for the establishment of a film service for the Labor movement, including a central office and film library. It is now reported that these plans have developed and are in operation.

The Lord's Day Observance Society of Great Britain plans a campaign in opposition to any Sunday film opening for the nation's new Militia.

The society admits it can do nothing to prevent the opening of theatres in Militia camps, but will oppose the opening of houses in towns nearby.

The Middlesex Entertainments Committee has banned throughout its area "Professor Mamlock" and "I Was a Captive of Nazi Germany." Both films have been licensed for showing in London, Surrey and Essex.

"Professor Mamlock" is to be shown at the Academy Cinema, London, for a season beginning Wednesday. A special license was granted by the London County Council although the film still remains uncertified by the British Board of Film Censors.

Following the Films Council Report and its reference to educational pictures, the Board of Education has asked the trade for appropriate statistics.

The Board of Education will, on receipt of this information, present the facts to Parliament with a view to doing something about it.

It is not unlikely that a subsidy will be suggested for local authorities or library centers which distribute educational films. It is thought that an initial sum of $100,000 would suffice.

The Board of Education is willing to meet 50 per cent of the cost of projectors for schools. The new move would facilitate the issuing of films to schools and colleges.

Television plays the most prominent role in this year's Radiolympia, annual trade exhibition of Britain's radio manufacturers.

The show, which was opened by Sir Stephen Tallents by television from Alexandra Palace is notable for the number of television sets shown and for the emphasis which is placed upon television in all the entertainment provided.

Both Baird and E.M.I. are displaying large screen projectors, mostly for hotels and small halls. Baird, however, features the double projector picture screen unit which is to go later into the Gaumont Palace, Hammersmith.

Seek Loop Theatre For Universal Films

CHICAGO, Aug. 29.—With RKO at present having enough films scheduled for 24 weeks of playing time at the RKO Palace, the problem of another Loop theatre in which to show Universal pictures is imminent. The RKO interests feel that they will have more product this year than ever before and their sharing of the RKO Palace with Universal for first run in the Loop will make it difficult for them to give their pictures the opening they deserve, local officials believe.

This situation may possibly result in the Jones, Linick & Schaeffer Oriental getting a better break than it has of late, in the way of first run pictures. While no deal is pending at present it is thought possible that one may develop shortly.

Theatres Realigned In Connecticut Town

MIDDLETOWN, Conn., Aug. 29.—The Middlesex Theatre, acquired last Spring together with the Capitol and Palace by Morris Pouzzner of Boston, is now the "A" house of the town, remaining open all year. Under the previous Lockwood-Adorno operation, the house was always darkened during the summer.

The Capitol schedule will be increased from three-a-week to full time soon after the opening of Wesleyan College this fall, with admissions reduced from the former 30-40 cents to a 25- and 35-cent scale. The Palace, which has been closed all Summer, may be opened later this fall as an "action" house, it is reported, operating weekends at a low admission. The Pouzzner management has recently repaired sound and decoration in both the Middlesex and the Capitol.

Guldahl to Try Films

CHICAGO, Aug. 29.—Ralph Guldahl, golf pro who appeared here in the Walter Hagen anniversary tournament last week, will try out for film roles when he goes to California late this fall. The handsome Guldahl has been asked to make a series of golf shorts.

New Women's Series

Allie Lowe Miles, now conducting a number of series, including "Falling in Love" and "Husbands and Wives," has launched a new series over WMCA consisting of a daily group of programs featuring news and personalities of interest to women.

Newsreel Parade

The grave crisis facing Europe is, of course, the most important news in the latest issues of all the reels, to which is devoted the greater portion of the footage of each reel. Paramount devoted the entire reel, running about 1,300 feet, to the crisis and shipped it Monday morning. The reels and their contents follow.

MOVIETONE NEWS, No. 101—World crisis. Von Ribbentrop flies to Moscow. Danzig proclaims Nazi loyalty and closes its Polish frontier. Jim Farley after audience with Pope. Daladier rejects Hitler's demands. King George returns to London. Secretary of State Hull presides over War Board. Roosevelt returns to Capital, sends appeal for peace to Italy, Germany, Poland. Bombers at Langley Field give demonstration. Newsette. U. S. women tennis stars retain Wightman Cup. U. S. women's golf championship. Water skiing.

NEWS OF THE DAY, No. 299—European crisis; scenes in England, France, Danzig, Germany, America. Wightman Tennis Cup.

PARAMOUNT NEWS, No. 112—Reel devoted to various aspects of European crisis, with scenes from Berlin, London, Paris, Danzig, Gibraltar, and reactions in the United States.

RKO PATHE NEWS, No. 12—United States takes steps to meet war crisis. American honors Luxemburg's royalty, Africans in war dance for "white chief," President of Portugal. Texan wins women's American golf crown. Army bombers in target practice in Virginia.

UNIVERSAL NEWSREEL, No. 801—War crisis scenes from Paris, London, Washington, and U. S. Army maneuvers at Langley Field, Va., and Plattsburg, N. Y. Scranton fetes Gloria Jean in her first film. Ballet dancers in novel Chicago race. American women tennis players defeat British for Wightman Cup at Forest Hills, L. I.

K. M. T. A. Planning Regional Meetings

KANSAS CITY, Aug. 29.—A series of regional meetings for independent exhibitors is planned for September by the Kansas-Missouri Theatres Association, according to Frank Cassil, St. Joseph, Mo., president.

Purpose of the meetings will be to discuss the problem of trade practices, and, if possible, to work out some plan of campaign that will result in adoption by the industry of practices more satisfactory to exhibitors than the present. Turning down of the code by the U. S. Justice Department has left the situation in a state of uncertainty. Exhibitors feel that some course of action should be outlined, Cassil said.

There will be six meetings in Kansas, four in Western Missouri, with dates and places to be set shortly.

Name Cincinnati Club

CINCINNATI, Aug. 29.—The Cinema Club of Cincinnati is the name selected in place of the tentative title of the Salesman's Club, recently organized here, to promote closer relationship among salesmen for film companies, accessory and supply concerns and similar enterprises catering to the industry. Meeting will be held once a month in the quarters of the Variety Club.

Translates Play

Dr. Saul C. Colin has commissioned Jane Hinton to translate and adapt Pirandello's play, "Trovarsi," on which Gilbert Miller had an option last season. Dr. Colin intends to produce it in the fall. Miss Hinton is a well-known Hollywood scenario writer.

Actors Peace Parley Fails; 'Fight is On!'

(Continued from page 1)

to call a sympathy strike on the Coast, but exact details have not been disclosed.

The 4-A issued a cryptic statement after its meeting, setting forth that Paul Dullzell and Kenneth Thomson, executive secretaries of Equity and S.A.G., respectively, who constituted the delegation to see Browne, had offered the following proposal:

"1. The I.A.T.S.E. withdraw from interference in actors' affairs.

"2. The variety field to be administrated by a non-partisan committee of 10 for 90 days.

"3. A fair election by the performers in the variety field, to settle in all respects its final destiny."

The statement also set forth that Browne had rejected this proposal and had insisted that the 4-A "take the discredited Whitehead (Ralph Whitehead, A.F.A. executive secretary) or else."

Clarification from the 4-A board could not be obtained. The three-points were included, in substance, in the original A.F. of L. executive council recommendations and these recommendations were accepted in full by the I.A. although then rejected by the 4-A. The positions now appear reversed, if the 4-A statement is to be taken at face value.

The issue of Whitehead has always been his right to stand for reelection with the I.A. insisting that he be given this right and the 4-A refusing to grant this permission.

The present 4-A strategy appears be the tactics of forcing the stagehands to make the first overt move. It is felt that public sympathy will be stronger if the fight appears to be forced upon the actors by the stagehands. On the other side the stagehands are also playing a waiting game. It is their intention to report for work Monday and be ready when Miss Tucker walks on. It will then be up to the Equity members to refuse to work with her.

Vinton Freedley, the producer, was expected to abandon all efforts to have Miss Tucker in the show, but he has apparently upset Equity's plans by refusing to seek a substitute.

A.F.A., meanwhile, has been compelling night club proprietors to hire only A.F.A. members and picketing when met with refusal. Some 4-A members believe that the fight may be precipitated before Monday by a night club situation where members of American Guild of Variety Artists, 4-A affiliate, refuse to join the A.F.A.

S.A.G. Awaits Leaders, Pushes Strike Pledges

Los Angeles, Aug. 29.—Screen Actors Guild leaders here, learning of the I.A.T.S.E. rejection of the proposal to end the jurisdictional dispute over actors, today marked time until its officials return from New York.

The S.A.G. continued to push its tallying of strike pledges being taken among members.

Ken Thomson, executive secretary, and Ralph Morgan, president, are expected back here Thursday from their New York trip to confer with George E. Browne, I.A.T.S.E. president.

The percentage of strike pledges has not been determined yet, but S.A.G. leaders said the members are almost unanimously rallying behind the Guild's stand in the controversy.

The California Federation of Labor, which last week started peace moves by bringing together Guild representatives and John Gatelee and Frank Stickling, I.A. leaders, will in all probability be confronted with a new outbreak of the dispute if it lasts until Sept. 25, the date of the state federation convention at Oakland.

British Studios Prepared For Military Emergencies

London, Aug. 29.—Despite the generally critical situation, Wardour Street (London's Film Row) and the studios were operating normally, although mostly with depleted staffs and often behind sandbagged windows.

The major studios already have arranged to transfer their headquarters outside the possible bombing areas if hostilities develop. Some officers already are operating from beyond London.

Columbia plans to move to Tunbridge Wells, Pathe and Associated British Pictures Corp. to Welwyn, United Artists to Gerrards Cross, Gaumont British to Devonshire, and so on.

Film distribution will be centralized through a Kinematograph Renters' Society clearing house at Willesden on the outskirts of London.

No trade policy or program has been formulated as yet and there is some criticism current concerning the lack of organization and the widespread distribution to various houses.

Trade showings of films present a potential problem, with a possible need for revision of details of the Films Act.

Pinewood Studio already has been taken over by Lloyds and certain other studios are scheduled for Government requisition. The Cinematograph Exhibitors Association will move its headquarters to Reading and the K.R.S. to Slough.

Roosevelt Denies Hays' Trust Talk

Washington, Aug. 29.—Will H. Hays, president of the M.P.P.D.A., did not discuss the Government's anti-trust drive against the major companies when he visited the White House yesterday, it was disclosed this afternoon by President Roosevelt.

Answering a question at his press conference, the President contented himself with a brief "No" and did not reveal just what the film chief discussed during his 10-minute conference late yesterday afternoon.

While it was reported in some quarters that Hays came to Washington with the intention of talking to the President about Government "harassment," the latter's denial was accepted as meaning either that the matter was not brought up or that he has no intention of interfering in the Department of Justice campaign.

Labor Board Hears TMAT-Raybond Case

Hearing on the petition of Theatrical Managers, Agents and Treasurers Union for certification as collective bargaining agency in Raybond Theatres started yesterday at the State Labor Relations Board. The union contends that all houses in the circuit should be treated as one bargaining unit while the employer contends that they should be treated separately.

Yesterday's witnesses were William Quinn, manager of the Normandie; Max Shapiro, manager of the Colony; Nat Rosenberg, manager of the Midway, and two witnesses from bank. Melvin Albert appeared for Raybond and Gustave A. Gerber for the union. The hearing was adjourned until tomorrow when the union may subpoena David Weinstock.

Newsreel of Quints Causes Legal Fight

Toronto, Aug. 29.—A dispute between the guardians of the Dionne Quintuplets and the Newspaper Enterprise Association, Cleveland, involving the picture rights for the babies, has been referred to Judge J. A. S. Plouffe for hearing at North Bay late in September.

The N. E. A. has refused to pay further amounts under a $20,000 a year contract because newsreel and still cameramen took pictures of the Quints when they met the King and Queen at Toronto. The cameramen were said to have been members of the newsreel pool covering the Royal Tour under the jurisdiction of the Canadian Government. The N. E. A. claims the exclusive privilege and claims that the contract with the guardians appointed by the Ontario Government has been broken.

Twentieth Century-Fox holds the exclusive right to make feature length pictures in which the Dionne babies appear and this contract is said to have one more year to run with the unexpired privilege of two more feature productions.

Bookkeeping For Theatres Is Simplified

Quigley Publishing Co. has issued a "Theatre Management Record and Annual Tax Register," designed for the use of the managers or bookkeepers of theatres seating up to 1,000. Compiled by Theodore J. Sullivan, it has been developed to meet the need for a practical, simplified method of theatre bookkeeping.

The book, bound in heavy Dupont Fabkote, is designed to provide not only the operating facts and figures of a theatre business, but serve as a tax record as well. Provision is made for all the ticket and Social Security levies, while summary pages also are included for any annual compilation for statements or income tax returns.

An important feature of the book is a film clearance chart, which eliminates the necessity of a calendar in determining clearance periods. The book also contains an insurance record sheet, fixed expense apportionment sheet, income page, payroll and bank record, profit and loss information, summary sheet, contract record sheets and holiday and important date record. The book is 13 by 10 inches in size.

Producers Combat NLRB Jurisdiction

(Continued from page 1)

which to file written supplementary briefs by Trial Examiner Fitzpatrick, producers closed their case by presenting six witnesses.

B. B. Kahane took the stand to deny emphatically that he had ever made blacklist threats. A denial that Jack Warner had made similar threats when addressing a studio writers' meeting was given by Walter McEwen, Warner executive.

Upon close of the case, Alexander Wilson, Jr., board attorney, declared he expected that the national board would issue a decision by Nov. 1.



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AIR EXPRESS



Rodgers Due To Set Loop Circuit Deals

By WILLIAM F. CROUCH

CHICAGO, Aug. 29.—W. F. Rodgers, M-G-M sales chief, is expected here from Hollywood the middle of the week to complete the product deals now pending with the John Friedl theatre group in Minnesota and the Warner theatre circuit here and in Wisconsin. Rodgers is in Hollywood to see "Gone With the Wind" and make plans for its release.

The Linden Theatre here billed "Bridal Suite" as follows the other day.

Today!
"Bridal Suite"
Starring
Annabella Power

Edward Mager, booker for a number of Allied theatres, is back from his vacation in Northern Michigan. This was Mager's first vacation in 10 years.

Emile Montemurro, Fox Movietone News cameraman, returns this week from New York after a vacation trip.

Harry Richman, A.F.A. vice-president, is in town to open the new show at the Chez Paree, which has been remodeled.

In the Loop this week one finds the following pictures playing:
"Unexpected Father," at the Oriental.
"Bachelor Mother," at the Palace.
"Unmarried," at the Woods.

Robert Hill, champion archer, will appear here next week in the *Chicago Times* archery contest. His archery film short made by Errol Flynn for Warners will be premiered here at the same time.

Ethel Lobdell, Chicago beauty, who won the "Miss Greater Chicago" title, will represent this city in the forthcoming Atlantic City beauty contest to choose "Miss America."

A big stage show will augment "Golden Boy," which opens Friday at the Chicago Theatre. Heading the bill will be John Boles, Red Skelton and Zasu Pitts.

News Guild Members Picket Loop Houses

CHICAGO, Aug. 29.—Picketing in front of Loop theatres by members of the CIO Newspaper Guild have caused theatremen considerable inconvenience of late. The pickets have appeared at the peak of business in the evening and have handed out handbills protesting the advertising by theatres in the Hearst papers.

Last week several seats in the Chicago Theatre were slashed. Handbills similar to those distributed by the pickets were found in the slashed seats. Police patrols called to quiet the pickets have refused to make any move, saying that the pickets are within their rights.

London Preview

"Discoveries"

(Grand National)

LONDON, Aug. 29.—Films which exploit the popularity of radio stars are *de rigeur* in Britain just now. Latest recruit from the ranks of Broadcasting House is Carroll Levis, Britain's "Major Bowes," whose "Discoveries" has been one of the B.B.C.'s more popular programs. A ready-made public is thus assured the picture, irrespective of whatever other entertainment merits it might boast.

Though there is no pretense at production lavishness or directorial subtlety, the film should satisfy the fans' curiosity about the burly Levis and play up to that audience section which inclines towards potential and hitherto hidden talent, but outside that tailor made public, the market values are problematical.

The talent—of very variable quality—is amateurish to a degree, and veers from imitators of Laurel and Hardy to mimics of motor bicycles, and from tap dancers to swing singers and Scottish vocalists. In a somewhat disorderly way they and their performances are woven on to a flimsy framework which casts Levis as a pestered talent scout under whose bed feminine crooners cast themselves in hopes of an audition, and whose nobility sends him hotfoot with an eight-piece band to a hospital ward where a Scots lassie, bent also on an audition, has been cast by Fate and a motor accident.

Levis, whose personality is pleasing and whose manner amusingly audacious, is the thread which holds it together, though such players as Afrique with a mischievous imitation of Tauber and a misfire conjuring gag help to dress the dramatic salad. The cast otherwise is composed in the main of players whose names are familiar to the radio public, thus affording additional appeal. Technical qualities are adequate.

Running time, 66 minutes. "G."* AUBREY FLANAGAN

**"G" denotes general classification.*

Canada Film Board Proposal Shelved

TORONTO, Aug. 29.—The proposed National Film Board in the Dominion has been shelved, it is understood, with no definite action having been taken because of the uncertainty of the European situation and because of the early prospect of Federal elections in Canada unless war intervenes.

The proposed board has proved to be a highly controversial subject, both before and since the passing of the enabling act by Parliament, and it is said that Government members are averse to the putting through of the plan, with its appointments, just prior to a general election.

In the meantime, the Canadian Government Motion Picture Bureau, which was established more than 20 years ago, continues to take care of the official film requirements.

Two Groups Seek New Dallas Station

WASHINGTON, Aug. 29. — Chilton Radio Corp., Dallas, has submitted to the Federal Communications Commission an application for a construction permit for a new Dallas station, to operate on 1,370 kilocycles with 250 watts power, using facilities to be relinquished by KFJZ. V. O. Stamps, Dallas, also has submitted an application seeking the same facilities.

Other applications received by the commission included the requests of KSLM, Salem, Ore., for increase of day power from 500 to 1,000 watts; WADC, Village of Tallmadge, O., for increase of night power from 1,000 to 5,000 watts, and WIBM, Jackson, Mich.; WHBC, Canton, O.; KNOW, Austin, Tex.; KTEM, Temple, Tex., and WKAT, Miami Beach, Fla., for increase of night power from 100 to 250 watts.

Connecticut Houses Starting New Games

BROADBROOK, Conn., Aug. 29.—This week marks the return of Honey, a variation of the Bingo game, to two Connecticut theatres, the New Broadbrook here, and the Capitol, East Haven. In both instances the games will be operated under the auspices of charitable or civic organizations, with the permission of local authorities. Theatremen fought the legalization of Bingo for organizations only in the past session of the legislature as discriminatory, but if this new type of cooperation is successful, it is predicted that many houses which previously operated cash games, will follow suit. Prizes are now in the form of credits for merchandise as cash is not permitted under the new law.

The local option clause has been exercised by many towns since July 1, and New Haven now seeks to make games legal for political organizations, as well as civic and charitable. East Haven, Waterbury, New Britain, Broadbrook and others have approved games.

Plan Variety Charity Ball

KANSAS CITY, Aug. 29.—The local Variety Club already is discussing the annual Charity Ball, which will be held this winter, and Chief Barker George Baker convened members yesterday to discuss the affair. The club also plans a golf tournament. Earl Jameson, Reuben Finkelstein, R. R. Biechele and Finton Jones will present their annual barbecue on Sept. 11.

World Releases 'City'

World Pictures Corp. will release "The City," produced for the New York World's Fair from a Pare Lorentz outline by American Documentary Films, Inc., and Civic Films.

Theatre, Personnel Notes

To Reopen in Kansas City

KANSAS CITY, Aug. 29.—W. D. Fulton and John Wolfberg will reopen the remodeled Giles, formerly the Mokan, on Sept. 1. The house has been practically rebuilt and re-equipped throughout.

Sells Kansas Theatre

HILLSBORO, Kan., Aug. 29.—E. C. Armold has sold the Avon here to A. W. Heyl, exhibitor at Junction City, Kan.

Manages Ontario House

LEAMINGTON, Ont., Aug. 29.—G. Gott has been appointed manager of the Vogue here by Leslie Gregory, operator of a circuit of houses in Ontario. The Vogue, opened a few days ago, accommodates 730.

Sells Illinois Theatre

SYCAMORE, Ill., Aug. 29.—The Fargo here, which is managed by Stuart Tomber, has been sold to Walter Woodward of Benton Harbor, Mich., who will take over the house Sept. 5.

Stage Shows in Brooklyn

The Flatbush Theatre, Brooklyn, one of the houses on the Brandt Circuit, will revert to a combination film and stage show policy on Sept. 15, with Sammy Kaye and his orchestra as the stage headliners. There will also be several additional vaudeville acts and a feature film. A new band and accompanying bill is scheduled for each week.

Named Canada Manager

TORONTO, Aug. 29.—William Chilton, former Toronto theatre manager, has been appointed manager of the new Princess, seating 970, at Sault Ste. Marie, Ont., recently opened by C. DePaul. The theatre was completed at an estimated cost of $150,000.

Famous Players Plans House

TORONTO, Aug. 29.—A new theatre is planned at Fort William, northern Ontario, by the Famous Players Canadian circuit.

'Tomorrow,' $11,300 Is Buffalo Winner

BUFFALO, Aug. 29.—"The Wizard of Oz" drew $14,900 at the Buffalo. "When Tomorrow Comes" proved an excellent draw at the Lafayette and brought that house $11,300. "Stanley and Livingstone" clipped a neat $11,500 at the Great Lakes.

Estimated takings for the week ending Aug. 26:

"The Wizard of Oz" (M-G-M)
BUFFALO — (3,000) (30c-55c) 7 days. Gross: $14,900. (Average, $12,000)
"Stanley and Livingstone" (20th-Fox)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $11,500. (Average, $7,500)
"Bachelor Mother" (RKO)
"Miracles for Sale" (M-G-M)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $5,700. (Average, $6,800)
"Mickey the Kid" (Rep.)
"Wolf Call" (Mono.)
TWENTIETH CENTURY—(3,000) (15c-25c) 7 days. Gross: $3,500. (Average, $5,200)
"When Tomorrow Comes" (Univ.)
"Big Town Czar" (Univ.)
LAFAYETTE — (3,300) (25c) 7 days. Gross: $11,300. (Average, $6,300)

NOW IN CIRCULATION



The new 1939-40 International Motion Picture Almanac has been received throughout the industry with unanimous acclaim. Revised, enlarged and brought up to the minute, it includes more than 1100 pages crammed with facts and figures covering every phase of the business.

The Who's Who section alone, records over 11,000 biographies of industry personnel. Statistical data includes "Corporate Structures," "Producing and Distributing," "Film Editors," "Equipment," "Abroad," "Radio" . . . and countless other items of daily importance to every showman the world over.

SEND FOR YOUR COPY TODAY—$3.25 POSTPAID

INTERNATIONAL MOTION PICTURE ALMANAC

ROCKEFELLER CENTER NEW YORK

CBC to Rely Less on U.S. News Service

MONTREAL, Aug. 29.—Clarifying the policy of the Canadian Broadcasting Corp. as to news bulletins and comments, Gladstone Murray, general manager of the chain, today issued a statement explaining the steps that are being taken to depend less on American news, and more on news supplied by Dominion news services.

"CBC depends in the first instance on Canadian Press News service," stated Gladstone. "It also takes news flashes which occur in exchange programs from Britain and the United States. For news commentaries, CBC depends primarily on its own staff in Canada and Great Britain supplemented by select BBC and American commentators. The aim is to bring a faithful picture to listeners avoiding sensationalism and rumor.

"While seeking to bring to listeners all authoritative news as rapidly as possible, CBC has a working arrangement with American chains to avoid unnecessary duplication."

Appointment of James A. Shaw as manager of the Canadian Marconi company's station CFCF here has been announced by R. M. Brophy, general manager. Shaw replaces V. F. Nielson who recently resigned to become general manager of the radio division of James Richardson & Son. Shaw has been with CFCF for a number of years as writer, special events man and program director.

New Sponsors Buy Show by Phil Cook

Phil Cook's "Morning Almanac" program on WABC has been purchased by two additional sponsors, Quaker Oats and J. W. Beardsley & Sons. The contracts are for one year each, beginning Oct. 2 and Sept. 26, respectively.

With the addition of the new sponsors, 17 of the 18 periods handled each week by Cook are now commercially sold, an unmatched record by any early morning program.

Because of the popularity of the Cook series, WABC is adding six more broadcasts a week to his schedule. The periods are from 8:15 to 8:30 A.M. starting Sept. 4.

Another WABC contract just placed is by Thomas Leeming Co., for sponsorship of Richard Maxwell's program, beginning Oct. 2.

Set Exchange Program

TORONTO, Aug. 29.—"Make Mine Music," a sustaining feature of the Canadian Broadcasting Corp. network each week, has become an exchange program for United States listeners over CBS on a permanent basis. The featured personnel is Percy Pasternak's orchestra and Pauline Rennie and Alexander Morgen of Toronto, vocalists.

Votes Sunday Movies

WALTON, N. J., Aug. 29.—Having approved Sunday movies by a vote of 848 to 771 in a referendum, residents today eagerly awaited their first Sunday film shows. The referendum brought out the second highest registration in the city's history.

BANNER RADIO LINES

By JACK BANNER

RECENTLY Alla Nazimova, famous actresss, is supposed to have tuned in by chance a program written by Arch Oboler, exclaiming as she listened "ah, genius," or words to that effect. At any rate, so beat the NBC publicity tom toms, last Saturday Nazimova made her heralded appearance in a script written by Oboler.

Apparently the stunt was so well received that it is going to be repeated, with some minor variations. This time it is Oboler himself who accidentally twisted the dials to a minor station, WOV, and hearing a voice in a foreign language program, immediately tore over to the station in ecstacy to sign the player for another of his NBC opuses.

Now if Oboler will accomodatingly tune in some time when Dinty Doyle is on the air giving his W. C. Fields imitation, and discover genius in that, he will be really blazing a trail.

RCA'S "Magic Key" series, after a series of false reports of death, this time is really going to turn up its toes. The last show will be given Sept. 18. RCA is understood to be considering various plans for another institutional series, but just what is under discussion is not known.

FIRST American casualty of the European unrest is the cancellation of Jimmie Lunceford's foreign concert tour, a decision arrived at yesterday. The band had been scheduled to depart on the *Normandie* today. Primary reason for the orchestra's decision not to make the tour was not so much the scare of war itself, but the inability to receive assurance that the orchestra would be able to obtain transportation from one country to another.

CAMEL cigarettes has gone the whole hog and has placed orders renewing its three current network shows, "Blondie," the Bob Crosby and the Benny Goodman programs. The first two are CBS programs, the last named is heard over NBC.

CBS has been too busy with the European situation to say something about a new policy just adopted by the network, namely that hereafter instead of closing down its lines at 1 A. M., it will remain on the air for an additional hour each night, coast-to-coast. Dance music, of course, will be the offering for the extra hour.

H. V. KALTENBORN broadcast from London at 1:30 A. M. today two hours later he was boarding a Pan-American Clipper at Southampton and following his arrival here tomorrow afternoon at 4 P. M., he will head for CBS to prepare a broadcast that will go on the air at 6:30 P. M.—which is quite a schedule any way you consider it.

WALTER HUSTON is master of ceremonies on the Maxwell House Coffee program, just as everyone guessed. But it will be a Huston foreign to picture-goers who have seen him only in heavy dramatizations. In the radio series, Huston will crack jokes, emcee, perform in plays, and even sing. The only other time which Huston has assayed anything as light as his radio role was in "Knickerbocker Playhouse" on the Broadway stage.

Two Blackett Air Shows Renewed

Two Blackett-Sample-Hummert programs on NBC were renewed yesterday by the agency. The programs are "Just Plain Bill," and "John's Other Wife," both long term programs.

"Just Plain Bill" is broadcast Mondays through Fridays from 10:15 to 10:30 A.M. on the Red network, "John's Other Wife," is heard the 15-minutes following, also on a five-day-a-week basis. Both programs are renewed for 52 weeks, effective Sept. 25.

Change Call Letters

NBC's two international short-wave stations have been assigned new call letters by the Federal Communications Commission. W3XAL will be known as WRCA, and W3XL will be called WNBI. The change is an indication that the two stations have been taken out of the experimental classification.

Returns to Grombach

Chester H. Miller will return to Grombach Productions to head direction activities of the transcription company. Miller formerly was with Grombach for five years and has since been connected with Judson Radio Program Corp.

Chicago Operators Demand 10% Boost

CHICAGO, Aug. 29.—Operators union executives will confer tomorrow morning with Balaban and Katz and in the afternoon with Allied leaders to arrange new contracts. John Smith, Union business agent, said a 10 per cent increase will be demanded by the operators. The present scale, it is understood, runs from $75 to $135 weekly.

Texas Show Back Sept. 13

The Texas Co. will resume its "Texaco Star Theatre" on Sept. 13, on a coast-to-coast CBS network from 9 to 10 P. M. each Wednesday. Leading plays will be presented for a half-hour from New York, the rest of the program coming from Hollywood. Kenny Baker will be starred in the coast portion of the show.

CBS Sells WKRC

CBS has sold WKRC, CBS owned and operated station in Cincinnati, to the Cincinnati *Times-Star*. The sale will become effective Sept. 24, subject to F.C.C. approval. CBS programs after that date will be heard over WCKY, recently affiliated with CBS.

Solons Study Delaware's Sunday Laws

DOVER, Del., Aug. 29.—The Delaware General Assembly adjourned sine die early today after an all-night session that ended with the Senate's adoption of the House concurrent resolution, setting up a [illegible]-member commission to study the need of revising the Sunday blue laws with recommendations to the 1941 legislature, and with the appointment of a commission.

The Senate adopted the resolution shortly after midnight by a vote of nine to seven with one not voting, and selected Rev. Ralph L. Minker of Wilmington, superintendent of the Ferris Industrial School, as the ninth member. The House later concurred in selecting Minker.

Each branch of the legislature later adopted separate resolutions, each naming four members to the commission. The Senate named Senators George R. Clark, Harold W. T. Purnell, Benjamin F. Simmons and Paul P. Pinard, father of the Sunday bill which was vetoed by Gov. Richard McMullen. The house selected Representatives Henry C. Canby, George W. Rhoades, Edward Knight and John L. Barr.

The fact that all eight members of the commission are Republicans brought considerable criticism from the Democrats.

Attorney General James R. Morford, who last week delivered an ultimatum to the governor and the legislature that unless immediate action was taken toward the blue laws his office would enforce them as they stand, has requested the heads of the state police and the Wilmington Police Department to list the names and addresses of Sabbath law violators on the next two weekends to be submitted to his office. Whether or not arrests would follow was not stated.

New Palace Lobby Boasts Modernism

All-glass doors separating the outer lobby from the inner lobby feature the renovations just completed at the RKO Palace. Modernistic in tone, the outer lobby is made of granite, with natural white for the walls and black for the base. The inner lobby walls are of zebra wood with a base of black marble. Aluminum and bronze display frames and indirect lighting are other features. The marquee has also been remodeled.

2 WNEW Schedules Set

WNEW has closed deals with Community Opticians, for 52 weeks of "Strike Up the Band," six quarter hours weekly; "Community Concert," six quarter hours weekly, and "Make Believe Ballroom," 12 quarter hours weekly. The station also has closed with Federal Life and Casualty Co., for a 10-week schedule.

Leeming in WHN Deal

Thomas Leeming and Co., Inc., have closed with WHN for 24 spot announcements per week for Baume Bengue and Pacquin's Hand Cream, for 27 weeks, starting Oct. 2.

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M.P.P.D.A. OF AMERICA,
28 WEST 44TH ST.,
NEW YORK,
N. Y.

to the Motion Picture Industry

ON PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 43 NEW YORK, THURSDAY, AUGUST 31, 1939 TEN CENTS

Strikes Loom As Zero Hour Faces Actors

Tucker Rehearsal to Set Off Fireworks Monday

Actor unions will make last minute plans at meetings, which start today and continue over the weekend, to meet all emergency situations which are expected to develop when the union war gets under way at 10 A. M. Monday.

Although official confirmation was lacking, it is virtually certain that present plans are to tie up all Broadway and Hollywood production before the end of next week.

Both sides are anxious to avoid taking the initial step which will start the strikes, but it appears inevitable that some strike moves will be taken Monday.

Zero Hour on Monday

According to present indications in the fast-changing picture, Sophie Tucker, president of American Federation of Actors, will report for work at the Imperial Monday at 10 A. M. to rehearse "Leave It to Me!" Since she is under suspension by Actors Equity, the rest of the cast will refuse to work with her. Vinton Freedley, the producer, may ask an understudy to rehearse and then the stagehands will refuse.

Freedley conferred with both Equity officials and Miss Tucker yesterday but was unsuccessful in his attempt to get out from under. As soon as the show closes down, Equity will strike the remaining Broadway productions and the Screen Actors Guild is expected to take strike action on the Coast.

Wish to Punish Stagehands

Both moves are directed at forcing unemployment among stagehands for their interference in the actors' dispute.

From Hollywood came assurances that the S.A.G. would back a strike vote solidly. A mass meeting will be held in New York Sunday at 8:30 P. M. at the Hotel Astor and another mass meeting will also be held on the Coast the same night. The American Federation of Radio Artists will meet today to take action on charges against Miss Tucker. She is already under temporary suspension by the radio union.

Meetings will be held also today by the Equity council and American guild of Musical Artists to prepare for Sunday's meetings. The 4-A board will present its strike plans to

(*Continued on page 2*)

N. J. Allied Seeks Ban on Dual Bills; Parley on Sept. 6

A plan to abolish double features in New Jersey will be presented at the 20th annual convention of Allied Theatre Owners of New Jersey to be held at the Ritz-Carlton Hotel, Atlantic City, Sept. 6 to 8.

Duals are strongly entrenched in the northern part of the state. New Jersey Allied leaders feel that it is a detrimental trade policy and that with strong product, now coming from the studios the time is propitious for a switch to single bills.

Members to Be Polled

Members' sentiment in the matter will be obtained at the convention. If it is favorable, conferences will then be held with the circuits.

The annual Eastern regional conference of independent exhibitors will be held in conjunction with the convention, with delegations present from several Allied units.

Col. H. A. Cole, Allied States president; A. F. Myers, general counsel, and Nathan Yamins, Sidney Samuelson, Herman Blum and M. A. Rosenberg of Pittsburgh are among the national Allied leaders scheduled to address the meeting.

Consider U. S. Trust Suits

Convention agenda includes discussion of support of the Neely bill in Congress, the Government's anti-trust suits, Allied's legislation and litigation campaign and distributors' sales policies.

Results of a survey of 1939-'40 film buying will be disclosed. So far the survey shows that buying in New Jersey is slow, the organization attribut-

(*Continued on page 2*)

FOX WEST COAST ACCUSED BY U. S.

Violation of Consent Decree Is Charged; 54 Film Executives Named

WASHINGTON, Aug. 30.—Initiation of the long-threatened Fox West Coast Theatres contempt case, charging violation of the consent decree entered into in 1930, naming three Fox West Coast organizations, 10 film companies and 54 individual officers and employes, was announced tonight by Assistant Attorney General Thurman Arnold.

The department's action was the first definite move to get the motion picture situation before the California courts in its nationwide campaign against the film industry.

The action will be a criminal contempt proceeding filed in the Federal Court for the Southern District of California. Corporate defendants will be Fox West Coast Theatres Corp., Fox West Coast Agency Corp., Fox West Coast Service Corp., 20th Century-Fox, Loew's, Metro-Goldwyn-Mayer Distributing Corp., Paramount Pictures, RKO-Radio Pictures, RKO Distributing Corp., Universal Film Exchanges, Warner Brothers Pictures, Vitagraph and United Artists.

U. S. Enforces Decrees

"These proceedings are brought in accordance with the announced policy of this department vigorously to enforce decrees entered in anti-trust proceedings, whether entered by consent or after litigation," Arnold asserted.

"If the evidence to be presented to the court establishes that the decree has been violated, the proceedings will serve not only to punish the defendants for disobeying the court's order, but also to recreate a situation in which the independent exhibitors may com-

(*Continued on page 8*)

Projectionists Meet With Circuit Officials

First meeting between projectionists and the New York circuit representatives to negotiate new terms for the coming year was held yesterday in the offices of Charles Moskowitz, executive operator of Loew's Theatres. Only preliminary discussions were held at this meeting. Most of the circuits were represented.

'5th Ave. Girl' Gets Music Hall $105,000

With unsettled weather keeping down World's Fair attendance yesterday, Broadway houses enjoyed top business at the boxoffice.

"Fifth Avenue Girl" did an estimated $105,000 for its first week at the Music Hall, while "Wizard of Oz" at the Capitol took an estimated $60,-

(*Continued on page 2*)

Adopt Code Despite U. S. Ruling, Says ITOA Plea

Demand that the major distributors put the proposed trade practice code into effect immediately regardless of the Government's attitude was made by resolution adopted at an I.T.O.A. meeting at the Hotel Astor yesterday.

The I.T.O.A. also went on record as requesting the distributors to institute arbitration of trade disputes similar to the policy recently announced by Gradwell L. Sears, general sales manager of Warners.

"Honest men conducting business daily should not be afraid to arbitrate their difficulties and differences," the resolution states.

It calls on Columbia, RKO, Universal, M-G-M, Paramount, 20th Century-Fox and United Artists to set up "fair arbitration of all business difficulties for the 1939-'40 season, and where any of these distributing companies have theatre affiliates, such theatre affiliates should also enter into the agreement of arbitration."

The code resolution states:

"It would be a serious mistake on the part of the distributing companies not to make the code effective immediately, for the code was formulated for the benefit of theatre owners in in order that they may regulate themselves from within the industry."

Britain Seeks Trade Policy in War Crisis

LONDON, Aug. 30.—First concrete efforts to formulate a film trade policy, in the face of the present international emergency situation, are being taken here this week.

The council of the Kinematograph Renters' Society (distributors) will meet tomorrow to examine all problems pertaining to the distribution of product to theatres in all parts of the country, the arrangement of bookings, trade showings of new product, etc.

On Friday the K.R.S. will meet jointly with the Cinematograph Exhibitors' Association in an attempt to consolidate the industry's policy in the crisis.

Studios Busy With 42 Films Now Shooting

HOLLYWOOD, Aug. 30.—Forty-two pictures were before the cameras this week as three finished and seven started. Twenty-one were being prepared and 86 were being edited.

Started were: "Campus Wives," Paramount; "Reno," RKO; "Kansas Terrors," Republic; "Man from Montreal," "The Galloping Kid," "Green Hell," Universal; "Gambling on the High Seas," Warners.

In addition to these, shooting were: "Beware, Spooks," "Scandal Sheet," Columbia; "Balalaika," "Remember," "Northwest Passage," "Fast and Furious," M-G-M; "Dr. Cyclops," "Untamed," "Diamonds Are Dangerous," "Remember the Night," "Typhoon," "Emergency Squad," "Victor Herbert," "Knights of the Range," Paramount; "Hunchback of Notre Dame," "Allegheny Frontier," "Vigil in the Night," "Marshal of Mesa City," "Sued for Libel," "Abe Lincoln in Illinois," RKO; "Headline News," "Arizona Kid," Republic; "Of Mice and Men," Roach; "Drums Along the Mohawk," "High School," "Too Busy to Work," "The Simple Life," 20th Century-Fox; "First Love," "Rio," "Tower of London," "Listen Kids," Universal; "The Roaring Twenties," "We Are Not Alone," "Four Wives," "State Cop," Warners.

Finished were: "The Man Trailer," Columbia; "Another Thin Man," M-G-M; "Murder in the Big House," Monogram.

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Purely Personal

DAVID ROSE, Paramount's managing director in Great Britain, is not sailing for New York on the *Queen Mary* as originaly announced. He will depart on the *Normandie* next week if the war crisis is alleviated, otherwise he will remain in London.

•

MAURICE SILVERTONE, ARTHUR KELLY, EMANUEL SILVERTONE, RICHARD MADDEN, ARTHUR GOTTLIEB, J. J. MILSTEIN, WILLIAM ROWLAND, JACK WARNER, JR., RICHARD RODGERS, HENRY SPITZER, CHARLES CASANAVE, OSCAR DOOB, HARRY THOMAS, MICHAEL TODD, THOMAS MCKNIGHT, ERNEST EMERLING, DAVID WOLPER, JACK MILLS, at Bob Goldstein's Tavern yesterday for luncheon.

•

SUSAN HAYWARD, Paramount player, is in Des Moines acting as judge in the "Queen of Iowa Redheads" at the Iowa State Fair. She is accompanied by her mother and JACK DAILEY of Paramount.

•

EDNA BEST arrives from England today on the *Nieuw Amsterdam*, and will go on to the coast for "Swiss Family Robinson," to be produced by The Play's the Thing Productions for RKO release.

•

MARIAN TEMPLE, secretary to E. J. TILTON of Republic, Des Moines, is attending the annual convention of the Veterans of Foreign Wars, at Boston, during her two-week vacation.

•

DAVID PALFREYMAN of the M.P.P.D.A. returned yesterday from a golfing vacation at Lakes James, Ind., and reported his driving and putting much improved.

•

AL POWELL of the Griffith Amusement Co., Guthrie, Okla., and DALE LYNN of the Pirtle Circuit, Beardstown, Ill., in town to look at the World's Fair.

•

JOY HODGES, former Des Moines girl, will return there today to prepare for her marriage on Saturday to GILBERT H. DOORLY, Omaha newspaperman.

•

GRAYSON POATS, manager of the Ritz, Columbia, S. C., was a visitor at Paramount's World's Fair headquarters yesterday.

•

CONSTANCE BENNETT has returned by air to the coast following her arrival from a European vacation earlier in the week.

•

MAX GENDEL, film publicity man, is handling public relations for COL. THEODORE ROOSEVELT'S "Bowl of Rice" drive.

•

DOUGLAS YATES, son of H. J. YATES, is now at the Republic studio.

•

EDDIE BUZZELL, director, has returned from a European vacation.

•

EMERSON YORKE, has returned from a business trip to the southeast.

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LEONARD PALUMBO of Warners qualified at the Wingfoot Country Club, Westchester County, for the National Amateur Golf Tournament to be held in Chicago in September.

•

ROBERT SMELTZER, Warner central district manager with headquarters in Washington; F. W. BEIERSDORF, Washington branch manager, and HARRY SEED, Pittsburgh branch manager, were in town yesterday for conferences with ROY HAINES, eastern and Canadian sales manager.

•

JOSEPH BERNHARD, general manager of Warner Theatres, returned yesterday from a meeting with the entire staff of the Cleveland zone, where he discussed the policies for the new season. He was accompanied by HARRY GOLDBERG, advertising manager.

•

MORGAN KAUFMAN, JOE BERNHARD, SAM SHAN, JOHN BYRAM, SIDNEY PHILLIPS, CHARLES E. MCCARTHY, MORRIS KINZLER, GRADWELL SEARS, CARL LESSERMAN at Nick's Hunting Room at the Astor for lunch.

•

SONJA HENIE and her mother boarded a TWA plane for the studio last night after appearing at the Harvest Moon Ball at Madison Square Garden. ARTHUR WIRTZ of Chicago was in the party.

•

SAM E. MORRIS, vice-president of Warners, sails from Rio de Janeiro for Buenos Aires tomorrow, after attending a premiere of "Juarez" tonight. He returns to New York Oct. 2.

•

KENNETH THOMSON, RALPH MORGAN and LAURENCE BEILINSON, Screen Actors Guild officials, flew back to Hollywood yesterday.

•

WILLIAM C. GEHRING, central division sales manager of 20th Century-Fox, left last night for Montreal to negotiate with United Amusement Theatres there for 1939-'40 product.

•

MORRIS H. SIMPSON, of the comptroller's department, at Paramount, returns today on the *Washington* after a year and a half in Europe.

•

TEX RITTER, Monogram's cowboy star, who is making a personal appearance tour, will make an informal call at the home offices today.

•

VICTOR SCHERTZINGER, Paramount director, started his first assignment at the Paramount studio yesterday, "Road to Singapore."

•

GEORGE GOLD, president of Allied of New Jersey, is due back next weekend from a boat trip to California via Panama Canal.

•

EDWARD G. ROBINSON, Warner star, arrives with his wife and son on the *Washington* today after a vacation trip abroad.

•

LARRY GOLOB, of Warner's home office publicity department, leaves tomorrow for a 10-day trip to the studio.

•

CECELIA GREENE of *Better Theatres*, has announced her engagement to GEORGE MCCARTHY.

•

VICTOR ORSATTI, Hollywood agent, leaves for the Coast today.

Strikes Loom As Zero Hour Faces Actors

(*Continued from page* 1)

the membership Sunday and will ask approval of its proposed action.

"All this talk that the 4-A people are putting out, trying to put the blame on me, is just a lot of bunk," said Miss Tucker in response. "You can put this down and bank on it—if they do this terrible thing. It will be Tucker's check book that is out, as usual. Equity won't take care of the ones they've thrown out of work."

I.A. officials, however, have maintained a policy of silence.

'5th Ave. Girl' Gets Music Hall $105,000

(*Continued from page* 1)

000 for its second week. Both films are still going at a terrific pace and the length of their runs is still indefinite.

At the Paramount, "Our Leading Citizen" slumped to an estimated $24,500 last week, but "The Star Maker" opened big yesterday with an estimated $9,000 for the day. "Goodbye, Mr. Chips" dropped off a bit in its 15th week, but was still good for an estimated $10,500. At the Globe, "Behind Prison Bars" grossed an estimated $5,600.

N. J. Allied Seeking Ban Upon Dual Bills

(*Continued from page* 1)

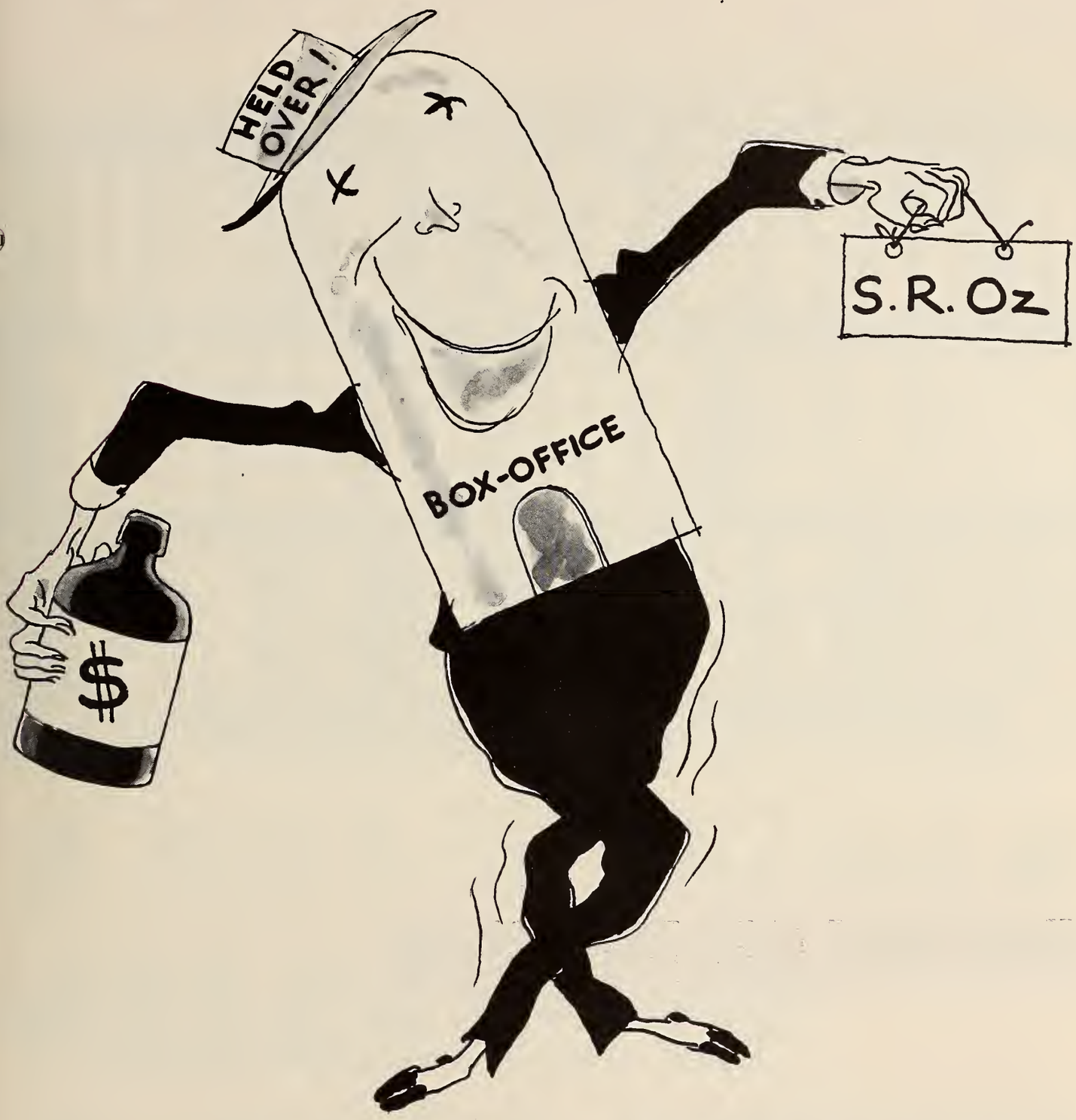
ing this to "increased film rentals, clearance situations and forcing of shorts to get feature contracts."

Lee Newbury of Belmar is general convention chairman and E. Thornton Kelly is convention manager.

The meeting coincides with Beauty Pageant Week in Atlantic City, a feature of which is the pageant which will take place on the last day of the convention.

New York film men have been invited to the annual banquet which will be held Thursday, Sept. 7. The floor show will be presented by Frank Gravatt, operator of the Steel Pier.

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MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
July 28	Behind Prison Gates *Brian Donlevy Jacqueline Wells*	Goodbye, Mr. Chips *Robert Donat* (G) (D)	Irish Luck *Frankie Darro*	Island of Lost Men *Anna May Wong Truex* (G) (D)	Should Husbands Work? *Three Gleasons*	The Spellbinder *Lee Tracy Barbara Read* (G) (D)	Frontier Marshal *Randolph Scott Binnie Barnes* (O)	Winter Carnival *Ann Sheridan Richard Carlson* (G) (C)		Cowboy Quarterback *Bert Wheeler Marie Wilson Gloria Dickson*
Aug. 4	Coast Guard *Randolph Scott Ralph Bellamy Frances Dee*	Miracles for Sale *Robert Young Florence Rice* (G) (D)	Mr. Wong in Chinatown *Boris Karloff* (G) (D)	Night Work *Mary Boland Charlie Ruggles* (G) (C)	Colorado Sunset (O) *Gene Autry Smiley Burnette*	Bachelor Mother *Ginger Rogers David Niven* (A) (C)	Elsa Maxwell's Hotel for Women *Ann Sothern*	Four Feathers *Ralph Richardson Aubrey Smith* (G) (D)		Indianapolis Speedway *Ann Sheridan Pat O'Brien* (G) (D)
Aug. 11		Lady of the Tropics *Hedy Lamarr Robert Taylor* (G) (D)		Our Leading Citizen *Bob Burns Susan Hayward* (G) (D)	New Frontier (O) *John Wayne Ray Corrigan*	Bad Lands *Robert Barrat Noah Beery, Jr.*	Chicken Wagon Family *Jane Withers Leo Carrillo Marjorie Weaver*	Man in the Iron Mask *Joan Bennett Louis Hayward* (G) (D)	When Tomorrow Comes *Charles Boyer Irene Dunne* (G) (D)	Playing with Dynamite *Jane Wyman Allen Jenkins*
Aug. 18	The Man They Could Not Hang *Boris Karloff Roger Pryor*	These Glamour Girls *Lew Ayres Lana Turner Tom Brown*	Riders of the Frontier *Tex Ritter* (O)	This Man Is News *Barry K. Barnes* Renegade Trail	In Old Monterey (O) *Gene Autry Smiley Burnette*	In Name Only *Carole Lombard Cary Grant Kay Francis* (G) (D)	Stanley and Livingstone *Spencer Tracy Nancy Kelly* (G) (D)	They Shall Have Music *Jascha Heifetz Andrea Leeds* (G) (D)		Each Dawn I Die *James Cagney George Raft* (G) (D)
Aug. 25	Five Little Peppers and How They Grew Riders of Black River	Wizard of Oz *Judy Garland Frank Morgan Bert Lahr* (G) (C)	Oklahoma Terror (O) *Jack Randall*	Star Maker *Bing Crosby Louise Campbell*	Smuggled Cargo *Rochelle Hudson Barry MacKay*		Jones Family in Quick Millions *Jed Prouty* (G) (C)			The Angels Wash Their Faces *Dead End Kids* Hobby Family *Irene Rich*
Sept. 1	Konga the Wild Stallion *Fred Stone Rochelle Hudson*	The Women *Norma Shearer Joan Crawford Rosalind Russell*		Death of a Champion *Lynne Overman Robert Paige*	Flight at Midnight *Phil Regan* Wall Street Cowboy (O) *George Hayes*	Conspiracy *Allan Lane Linda Hayes*	Adventures of Sherlock Holmes *Basil Rathbone Ida Lupino* (G) (D)		The Under-Pup *Nan Grey* (G) (C) Mutiny on the Blackhawk *Richard Arlen* (G) (D)	The Old Maid *Bette Davis Miriam Hopkins* (G) (D)
Sept. 8	Golden Boy *Stanwyck* (G) (D) Hidden Power *Jack Holt*	Blackmail *Edward G. Robinson Ruth Hussey*		Television Spy *William Henry Judith Barrett*		Full Confession *Victor McLaglen* Fighting Gringo *George O'Brien*	Charlie Chan at Treasure Island *Sidney Toler* (G) (D)		Bad Company *Jackie Cooper Freddie Bartholomew* Desperate Trails (O)	Nancy Drew and the Hidden Staircase *Bonita Granville Frankie Thomas*
Sept. 15	Outpost of the Mounties *Charles Starrett Iris Meredith*	Henry Goes Arizona *Frank Morgan Ann Morriss*	Sky Patrol *John Trent Jackie Coogan*	Beau Geste *Gary Cooper Ray Milland* (G) (D)		The Day the Bookies Wept *Joe Penner Betty Grable*	The Rains Came *Myrna Loy Tyrone Power George Brent*		Hawaiian Nights *Johnny Downs Mary Carlisle* (G) (C)	Dust Be My Destiny *John Garfield Priscilla Lane* (G) (D)
Sept. 22	Prison Surgeon *Walter Connolly Iris Meredith*	Thunder Afloat *Wallace Beery Chester Morris*	Crashing Thru *James Newill*	$1,000 a Touchdown *Joe E. Brown Martha Raye*		Fifth Avenue Girl *Ginger Rogers James Ellison* (A) (C)	Stop, Look and Love *Jean Rogers William Frawley*	Intermezzo, a Love Story *Leslie Howard Ingrid Bergman*	Rio *Sigrid Gurie Basil Rathbone Robert Cummings*	No Place to Go *Fred Stone Gloria Dickson*
Sept. 29	Scandal Sheet *Otto Kruger Ona Munson*	Fast and Furious *Ann Sothern Franchot Tone*	Murder in the Big House *Charles Bickford*	Honeymoon in Bali *Madeleine Carroll* Range War (O)	Calling All Marines *Donald Barry Helen Mack*	Nurse Edith Cavell *Anna Neagle Edna May Oliver* (G) (D)	Here I Am A Stranger *Richard Greene Roland Young*	The Real Glory *Gary Cooper Andrea Leeds*	First Love *Deanna Durbin* Listen Kids *Johnny Downs*	A Child Is Born *Geraldine Fitzgerald Gladys George*

Paramount Pictures

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SEPTEMBER 15 — POPULAR SCIENCE — Cnec.or

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'Oz' Is Smash Hub Grosser With $44,600

BOSTON, Aug. 30.—"The Wizard of Oz" dualing with "Blondie Takes a Vacation" at Loew's Orpheum and Keith took a total of $44,600, or $25,600 and $19,000, respectively. "Stanley and Livingstone" drew $17,500 in the second week at the Keith Memorial.

Estimated takings for the week ending Aug. 23:

"Clouds Over Europe" (Col.) (4 days)
"Chasing Danger" (20th-Fox) (4 days) (2nd run)
"Five Came Back" (RKO) (3 days) (3rd run)
"Susannah of the Mounties" (20th-Fox) (3 days) (3rd run)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross, $4,500. (Average, $7,000)
"Stanley and Livingstone" (20th-Fox)
"Unexpected Father"
KEITH MEMORIAL — (2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross, $17,500. (Average, $14,000)
"Island of Lost Men" (Para.)
"Our Leading Citizen" (Para.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross, $6,500. (Average, $7,000)
"Island of Lost Men" (Para.)
"Our Leading Citizen" (Para.)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. Gross, $5,000. (Average, $4,500)
"The Angels Wash Their Faces" (W. B.)
"Stolen Life" (Para.)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days. Gross, $12,600. (Average, $14,000)
"The Wizard of Oz" (M-G-M)
"Blondie Takes a Vacation" (Col.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross, $25,600. (Average $14,000)
"The Wizard of Oz" (M-G-M)
"Blondie Takes a Vacation" (Col.)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross, $19,000. (Average, $10,500)
"Each Dawn I Die" (W. B.) (3rd run)
"Night Work" (Para.) (2nd run)
SCOLLAY — (2,500) (25c-35c-40c-50c) 7 days. Gross, $4,000. (Average, $4,000)

Ross Federal Holds Managers' Meeting

District managers of Ross Federal Research Corp. yesterday concluded a series of meetings at the home office which lasted a week. Fall and Winter plans and policies were discussed during the sessions with home office executives. The men left for their respective headquarters last night.

The meetings were presided over by Harry A. Ross, president. District managers attending were: Harold Lund, eastern division; Walter Anderson, southern district; Ruel Williams, west coast, and J. A. Kraker, Mid-Atlantic district.

Drive-In Case Begins

MILFORD, Conn., Aug. 30.—The first hearing in the public nuisance case of 12 residents against the Milford Drive-In was begun in the Superior Court here today. Plaintiffs repeated their allegations that the noise of the speaker has been detrimental to their health and property.

'Bill of Rights' Premiere

WILLIAMSTOWN, Mass., Aug. 30.—The world premiere of Warners historical short subject in color, "The Bill of Rights," will be held here tomorrow night before 2,000 delegates to the national conference of Christians and Jews. There will be a coast-to-coast broadcast at 8 p.m.

Insider's Outlook

By SAM SHAIN

SCRANTON was aglow with pride last week, in honoring Gloria Jean, native daughter, who is the principal feminine player in Universal's "The Under-Pup." The premiere of the picture was impressive. A most creditable ballyhoo was engineered under Lou Pollock's direction by his aides, Hank Linet and James McFarland. The Comerford Strand, thereafter, playing the film was S.R.O. throughout the run.

This fact was even talked about in Towanda, some 60 miles north of Scranton. This is evidence of the effectiveness of the campaign which was held in the latter city.

"The Under-Pup" is a clever, human story, similar to the first Deanna Durbin picture. There were more than 60 critics from various sections of the country in attendance and the excellence of the event was thus wired throughout the nation.

That Universal shindig did not cost more than $11,000, and it was all arranged within a period of two weeks.

Present at the show was also a visitor from London, Mick Hyams, who came to Scranton for the party with Matthew Fox, Universal's vice-president.

The weekend in Towanda was restful and pleasant. Natives up there report that farm products will be higher this Fall because of the drought; also that there are wells and streams in that part of the country which have gone dry this summer, which they believed would never go dry.

Yet, theatre business is good and a Scranton city official explained that this probably is on account of the fact that in the farming sections the natives have little to choose in the way of relaxation and therefore generally are habitual theatregoers.

AT Nick's Hunting Room, in the Astor, the other day, with Robert Gillham and Jim Cron.

Gillham revealed some interesting facts on Paramount production. The studio has been speeded up under direction of Y. Frank Freeman. There are seven films only of the current program yet to be made, and by January, five of these are expected to be completed.

Later, Bill Morris joined the party.

Conditions in the legitimate field are okay, he says. He thinks the new season will get a late start but that it will be a good season, beginning with the "Scandals" which opened this week.

IT might be of interest to story editors in the trade to know that Stokes will publish a biography of August Rodin in October. The author is Victor Frisch, a Viennese, now in America, who worked and studied with Rodin for 20 years in Paris.

IT is Mrs. Frank Nugent, wife of the film critic of the *N. Y. Times,* who is responsible for the changing of the name of Leonard Gaynor's and Bland Johaneson's pet rooster from Fido to Golden Boy. Mrs. Nugent lost a tough boxing match to the bird.

AT the St. Moritz with Buck Herzog, critic on the *Milwaukee Sentinel,* Mrs. Herzog and Harry Martin, critic on the *Memphis Commercial Appeal.*

There is no political motive in the forming of The Newspaper Film Critics of America. It will be a simple business organization devoted to the welfare of the members and the work in which they are engaged.

Talk of establishing a national film critics' society has been heard for several years and the boys have gotten off to a good start by having Frank Nugent of the *N. Y. Times* with them. He will serve as membership chairman in New York.

Presumably the boys, once they are organized, will conduct a national poll on players and films, among other activities.

The planning committee consists of Keithe Wilson of the *Omaha World-Herald,* Merle Potter, of the *Minneapolis Tribune,* Herzog, Harry Martin, and Boyd Martin, last named being critic of the *Louisville Courier Journal.*

We say, "Happy Landing," to them all.

THIS mention of film critics brings to mind the fact that there are newspapers around the country which balk at local film news but use syndicated material.

To circumvent such conditions, the film lads are resorting to radio, making tieups with stations, to achieve their publicity aims.

In Providence, where newspaper contests are known to be taboo, the Loew people tied in with Station WPRO for a Scotty dog contest in connection with "Wizard of Oz." Also, M-G-M is using radio spot announcements in connection with established women's programs on radio stations in many cities to boost "The Women."

THESE are party days around New York.

W. G. Van Schmus, managing director of the Radio City Music Hall, held a reception yesterday afternoon in the studio of the theatre for William Holden, Adolph Menjou, Lee Cobb and Sam Levene of the cast of "Golden Boy."

Today, RKO honors Anna Neagle and Herbert Wilcox with a preview showing of "Nurse Edith Cavell" at the Lexington Avenue Trans-Lux, and after the showing there will be a dinner in the Empire Room of the Waldorf.

'Name' Pulls $19,000 in 2 L. A. Houses

LOS ANGELES, Aug. 30.—"In Name Only" scored the best comparative gross here, with a total of $19,000 at two houses. Paired with "Missing Daughters" at the Hillstreet it did $9,800 and with "The Man They Could Not Hang" it drew $9,200 at the Pantages. "Four Feathers" accounted for $7,000 in its second week at the 4 Star.

Estimated takings for the week ending Aug. 30:

"Hotel for Women" (20th-Fox)
"Mr. Moto Takes a Vacation" (20th-Fox)
CHINESE — (2,500) (30c-$1.00) 7 days. Gross: $12,200. (Average, $12,500)
"Four Feathers" (U. A.)
4 STAR—(900) (40c-50c) 7 days, 2nd week. Gross: $7,000. (Average, $3,250)
"In Name Only" (RKO)
"Missing Daughters" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $9,800. (Average, $6,500)
"Hotel for Women" (20th-Fox)
"Mr. Moto Takes a Vacation" (20th-Fox)
LOEW'S STATE—(2,500) (30c-$1.00) 7 days. Gross: $12,700. (Average, $14,000)
"In Name Only" (RKO)
"The Man They Could Not Hang" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $9,200. (Average, $7,000)
"The Star Maker" (Para.)
"Exile Express" (G. N.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Gross: $16,000. (Average, $15,000)
"Each Dawn I Die" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days. Gross: $11,800. (Average, $14,000)
"Each Dawn I Die" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross: $15,300. (Average, $12,000)

Theatre Notes

Theatre 17 Years Old

BRIDGEPORT, Conn., Aug. 30.—The Majestic here will celebrate its 17th birthday in November and manager Morris Rosenthal also celebrates his 15th as manager of the house. The house was originally built by S. Z. Poli, with a stage show policy, and is now part of the Loew's circuit.

To Close Conn. House

WALNUT BEACH, Conn., Aug. 30.—A. L. Smith, operator of the Tower and Colonial, will close the Tower on Labor Day. The Colonial will be partly reseated by Phil Furst, and new screen and drapes will be installed.

Takes Glastonbury Theatre

GLASTONBURY, Conn., Aug. 30.—Maurice Kempner is lessee and operator of the 500-seat Glastonbury Theatre, now owned by Mrs. Nathan Lampert, and formerly a part of the Lampert circuit.

Blank Plans New House

DAVENPORT, Ia., Aug. 30.—A. H. Blank of the Tri-States Theatre Corp., has signed the lease of the building that housed the former Columbia Theatre, closed the past six years, and a new 800-seat modern theatre will be opened in November after the building has undergone complete remodeling and new seats and equipment installed.

Reopen Iowa Theatre

GARDEN GROVE, Ia., Aug. 30.—The Garden Theatre here, closed for some time, has reopened.

U. S. Accuses Fox W. Coast of Contempt

(Continued from page 1)

pete on equal terms with Fox West Coast Theatres Corp."

Arnold Charges Monopoly

In conformity with the practice he initiated a year ago, upon the filing of the New York suit, Arnold issued a formal statement, explaining that the 1930 equity suit against Fox West Coast Theatres and certain major distributors alleged a conspiracy to restrain and monopolize trade in motion pictures, and was settled when the defendants consented to the entry of a decree enjoining the continuance of the alleged conspiracy.

In that suit, he said, it was charged that the distributors were granting to Fox West Coast Theatres over its competitors, the independent exhibitors, various preferences, including the right to select and contract for pictures before the independent exhibitors, excluding independent exhibitors from showing pictures first run or in competition with Fox West Coast Theatres, and adopting and enforcing zoning and clearance schedules which granted Fox West Coast Theatres arbitrary and unreasonable protection and clearance over independents.

Many Complaints Heard

"During the past several years the Department has received numerous complaints that the parties named in the decree were violating its provisions," the statement said. "As a result of these complaints, a comprehensive field investigation was launched.

"In the course of the investigation considerable evidence has been developed indicating that seven major distributors have given to Fox West Coast Theatres Corp. prior rights to negotiate for and to exhibit pictures released by them; that Fox West Coast Theatres obtains such pictures on more favorable terms than independent exhibitors and is not required to purchase all pictures released; that Fox West Coast Theatres Corp. demands and receives adherence to zoning and clearance schedules in favor of its theatres and to discrimination against independent theatres, and that such practices have resulted in the monopolization by Fox West Coast Theatres of first run and other early run theatres in virtually every desirable location in southern California."

Defendants Announced

It was revealed at the Department that the individual defendants in the West Coast case will be named as follows:

Fox West Coast organizations (3): Spyros P. Skouras, Charles P. Skouras, William T. Powers, Charles A. Buckley, Al Hanson, John B. Bertero, J. J. Sullivan, Larry Kent, Thornton Sargent, Cullen Espy, Dick Dickson, George Bowser, B. V. Sturdivant.

Loew's and M-G-M distributing Corporation: Nicholas M. Schenck, Al Lichtman, William F. Rodgers, Edward M. Saunders, George A. Hickey, Clayton T. Lynch.

Paramount: Barney Balaban, Neil F. Agnew, Charles M. Reagan, Myke H. Lewis, George A. Smith, Carroll N. Peacock.

Warner Brothers, Vitagraph: Harry M. Warner, Albert W. Warner, Ben Kalmenson, W. E. Calloway, Gradwell L. Sears, N. H. Brower.

United Artists: Murray Silverstone, Ben Fish, George J. Schaefer, E. W. McLean, L. J. Schlaifer.

Universal: Nathan J. Blumberg, J. Cheever Cowdin, William A. Scully, Charles J. Feldman, William J. Heineman, James R. Grainger, A. J. O'Keefe.

RKO: Leo Spitz, Ned E. Depinet, Jules Levy, Cresson E. Smith, Harry Cohen, George J. Schaefer, N. P. Jacobs.

Twentieth Century-Fox: Sidney R. Kent, Joseph M. Schenck, W. J. Kupper, John N. Dillon, Herman Wobber.

It was pointed out by the Department that the penalty for criminal contempt is fine or prison or both.

Gloria Jean to Chicago

Gloria Jean, Universal's young star of "The Under-Pup," leaves for Chicago tonight to make a personal appearance at the Roosevelt Theatre there in connection with the opening of the film on Saturday.

BANNER RADIO LINES

By JACK BANNER

TWICE DURING past few days, WMCA has scored important beats over competing stations, including the networks, by broadcasting news of the issuance of secret instructions from the Admiralties at London and Berlin to all English and German ships at sea. The station received added glory when the newspapers printed the stories, and on both occasions credited WMCA as the source.

Background of how WMCA was able to hang the stories on the opposition exists in its tieup with The *Herald-Tribune* and the short-wave radio setup which the newspaper maintains. Early during the crisis WMCA advised the newspaper to pay particular attention not to the "voice" channels, but to coded wireless stations and channels that are used by governments.

As a result, The *Herald-Tribune* engaged a naval code expert. This expert, whose name we are not permitted to use, can and does receive and decode 100 words a minute. It was he who decoded the message from Berlin to German shipping telling them to "act on their secret instructions," and on Tuesday intercepted the code from the British Admiralty instructing English shipping to immediately vacate waters in which there is likelihood of an engagement being fought.

TOPICAL SUBJECTS continue to attract television's attention, presaging ultimate newsreels on the air. Arrival in New York City today of the mechanized cavalry will be televised, and next Wednesday, when the steamship *Manhattan* docks with the first boatload of American "refugees" frightened away from Europe, the television cameras will be alongside the newsreel cameras and the radio microphones.

THERE IS NO telling to what lengths an artist will go to achieve perfection. Orchestrating "The Quintuplets on Parade" for Phil Baker who wrote the song, Bandleader Lyn Murray desired to achieve a certain bell tone in a passage of the score. Trick effects with musical instruments were tried, but these were not satisfactory. Finally Murray determined that the little brass dinner bells sold in the 5 and 10's would be just the thing. Yesterday Mary Day, Murray's secretary, spent hours trotting in and out of the city's Woolworth stores, sounding a pitch pipe which she carried, and tinkling the bells. She rang more than 150 bells and visited a dozen or more stores before she was able to gather the right collection—C, B flat, A, A flat, G, F and D.

AS A SIGN of the times, the networks have added Polish to six other languages used in short-wave broadcasts. Both NBC and CBS are keeping their short-wave stations on the air on a 24-hour basis, just as the networks now are operating to furnish listeners abroad with accurate news.

WICK CRIDER, in charge of radio publicity at J. Walter Thompson, has started on a trip to cover 15 key cities in connection with the Lux "Radio Theatre" program, returning to the air Sept. 11. He will contact radio editors and station men.

DESPITE the newness of the CBS studios in Hollywood, which are barely weatherbeaten, the accommodations for studio crowds are already inadequate and the network is now applying for a building permit for the construction of a new building to house two studios, each holding 400.

Tri-States Outing Draws Big Crowd

DES MOINES, Aug. 30.—Tri-States and Central States theatre officials, headed by A. H. Blank, were hosts to approximately 150 men of the office force of both corporations, and managers, salesmen and bookers of the Des Moines and Omaha film exchanges, at a golf outing followed by a steak dinner and social evening at the Hyperion Club.

Mel Evidon, manager of the Des Moines Columbia exchange, won first prize in the golf contest; Lew Elman, manager of the RKO office in Des Moines, won the driving contest and Paul Walsh, booker at the Warner exchange in Des Moines, won the putting contest.

Speak on Theatre

"The Theatre in a Democracy" will be the subject of a discussion today at the Institute of Human Relations at Williamstown, Mass. Speakers will be Alfred Harding, of Actors Equity; Brock Pemberton, the producer; Worthington Miner, director for the Theatre Guild, and Irving Berlin, songwriter.

Bernie Show Tops Newest Net Renewals

Ben Bernie has been renewed for another period of broadcasting over CBS by the American Tobacco Co. Program is handled by Young & Rubicam and is broadcast over 75 stations Sundays from 5:30 to 6 P.M., and returns to the air after a Summer's absence on Oct. 8. Lew Lehr also has been renewed to return in the show.

Contracts for the return of the "Silver Theatre" series was placed with CBS yesterday. Series is heard Sundays from 6 to 6:30 P.M. on a network of 51 stations. Conrad Nagle serves as narrator and master of ceremonies in the series, which consists of dramatizations of plays from stage and screen.

Other CBS renewals are by the Affiliated Products for the dramatic serial, "Romance of Helen Trent," and for "Our Gal Sunday," also a dramatic serial. Renewals are effective Sept. 25. Blackett-Sample-Hummert handle the programs.

Phillips Company Renews Two Shows

Charles H. Phillips Co. has renewed two of its current programs on NBC, "Young Widder Brown" and "Lorenzo Jones."

"Young Widder Brown" is broadcast Monday through Friday at 11:30 A.M. on the Red. "Lorenzo Jones" is heard Monday through Friday at 11:15 A.M., also on the Red. Both renewals are for one year. Blackett-Sample-Hummert is the agency.

Van Schmus Fetes 'Golden Boy' Stars

Four members of the cast of Columbia's "Golden Boy" were honored yesterday at a reception given by W. G. Van Schmus, managing director of Radio Music Hall. Those honored were William Holden, Adolphe Menjou, Lee J. Cobb and Sam Levene.

The reception in the Music Hall studio apartment was attended by members of the metropolitan press, trade papers, fan magazines and radio columnists.

Among Columbia executives present were Harry Cohn, Jack Cohn, A. Montague, A. Schneider, Maurice Bergman and Nate B. Spingold. Among Music Hall executives were G. Eysell and R. V. Downing.

Others present included Colvin Brown, Bland Johaneson, Leonard Gaynor, Frank Nugent, Leo Mishkin, Eileen Creelman, A-Mike Vogel, Maurice Kann, Jack Alicoate, Sam Shain, Jack Harrower, Roy Chartier, Abe Bernstein, Cal Swanson and Sam Marx.

Exploitation Contest

M-G-M's $10,000 exploitation contest for independent exhibitors in the United States and Canada starts officially tomorrow, for campaigns on films released between Sept. 1 and Jan. 1, 1940. "The Wizard of Oz," a current release, is eligible for the contest. More than 100 cash prizes are offered. Closing date of the contest is March 1, 1940.

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VOL. 46. NO. 44 NEW YORK, FRIDAY, SEPTEMBER 1, 1939 TEN CENTS

Newsreels Set For War Duty; Big Obstacles

Face Censorship Hurdle, Transportation Woes

By AL FINESTONE

Censorship and transportation problems will prove the biggest hurdle to American newsreels in the event of a war.

Veteran newsreel men recall what happened in the last World War and have used that knowledge to forearm themselves against eventualities.

Plans have been made, staffs have been augmented and bases established. But all can go for naught if the checkerboard game of diplomacy doesn't work out as expected and hostilities strike at a spot now unforeseen.

Right at the beginning, the five newsreels will engage in a hectic race to get their films to New York first. They know that the first pictures of actual warfare will be much in demand.

Some of them have been thinking about chartering special planes and

(*Continued on page 10*)

Newsreels Censored!

European governments have already clamped an official censorship on newsreels. French censored films which have been received here in the last few days. Yesterday England declared newsreels subject to censorship.

Busy Day at Fair For Projectionists

Leaders and pioneers in the projection field will address the gathering on "Projectionist Day" at the World's Fair next Thursday. The program will take place from 11 A. M. to 1 P. M. at the Little Theatre in the Special Events Building.

I.A.T.S.E. operators' locals from several cities have advised Joseph E. Basson, president of Local 306, that they will have representatives present. A large attendance is expected from I.A. members in New York and and nearby cities.

Among those scheduled to speak or attend as guests are: George E. Browne, president, I.A.T.S.E.; Edward J. Flynn, U. S. Commissioner

(*Continued on page 2*)

New Delay for RKO As SEC Joins Case

Washington, Aug. 31.—Another protracted delay in RKO's emergence from Section 77B of the Bankruptcy Act appears certain as the result of today's action by the Securities and Exchange Commission which became a party to the reorganization upon the request of Judge William Bondy of the New York Federal District Court.

It was explained that at the request of Judge Bondy, the Commission filed a notice of its appearance in the proceedings on Aug. 14.

RKO has been involved in receivership under the 77B since January, 1933, the longest time that any company has been continuously in the courts.

Gross of $1,000,000 In Blumberg Drive

Universal's exhibitor - sponsored drive, honoring Nate Blumberg, president of the company, will bring in, it is estimated, approximately $1,000,000, with the company's weekly gross now running approximately $75,000 above normal.

In the meantime, the company has decided to raise the production budgets on "The Tower of London" and "The Invisible Man Returns." Universal has increased the budget on these two pictures by $500,000. Of this amount, $300,000 will be added to the first picture and $200,000 to the last. Additionally, the company has set up a budget of $100,000 for trade paper and promotional advertising.

Jack Cohn Planning South America Tour

Jack Cohn, vice-president of Columbia, plans a tour of the company's South American exchanges in the Fall. He will be accompanied by Joseph A. McConville, foreign manager. The two will go first to Buenos Aires to attend the company's convention there, scheduled for some time in October.

Following that session, Cohn and McConville will undertake an extensive tour of the Columbia Latin America offices, visiting such important cities as Rio de Janeiro, Montevideo, Caracas and other Latin American centers.

The South American trip marks a final stage in a series of visits by Cohn to the company's exchanges in foreign countries. He recently toured offices in England and France.

EQUITY IN STRIKE ACTION; INDUSTRY SITUATION GRAVE

Unless some last-minute truce or peace is effected—which is deemed hardly probable—Monday and Tuesday will see the beginning of widespread strikes which may tie up the entire entertainment world.

Hollywood and New York yesterday reflected the grave seriousness of the labor controversy which has been raging for weeks between the A.A.A.A. and the I.A.T.S.E.

In New York the Council of Actors Equity, conferring behind closed doors yesterday, authorized its secretary, Paul Dullzell, to call an actors' strike in every New York theatre if the stagehands walk out on the reopening of "Leave It to Me" at the Imperial Theatre Monday night.

Sophie Tucker, suspended by Equity and other A.A.A.A. unions, is scheduled to take her place in the cast of Vinton Freedley's play that evening. The stagehands have served notice that unless Sophie Tucker is allowed to remain in the show they will go on strike.

Strike resolutions were adopted yesterday also by the American Federation of Radio Artists and the American Guild of Musical Artists (concert and opera) to take effect Tuesday. A similar resolution is expected momentarily from the Screen Actors Guild and all other branches of the A.A.A.A.

In a swift counter-attack, the I.A.T.S.E. and the American Federation of Actors, its affiliate, moved to organize the burlesque field, a jurisdiction now held by the Brother Artists Association, a 4-A affiliate.

From Washington yesterday came reports that the Department of Labor is keeping close watch on the actors' labor war developments. Indications are that the Department intends to send a mediator to New York in an effort to forestall the threatened strikes.

May Call Out Projectionists

It appeared certain yesterday that stage and film productions will be stalled early next week. As the acrimonious controversy burned with new furore, developments produced many new sensations, among them being:

Equity, A.F.R.A. and A.G.M.A. ordered their memberships to withdraw from the A.F.A. before Sept. 6 and placed employers who contract with the A.F.A. on an "unfair" list.

The I.A. is considering calling out projectionists if the S.A.G. strikes.

Ralph Whitehead, A.F.A. executive secretary, commenced a $100,000 libel suit against 4-A officials.

League of New York Theatre officials spent a fruitless day attempt-

(*Continued on page 2*)

Schaefer Honors Stars of 'Cavell'

Will H. Hays, president of the M.P.P.D.A. and 200 newspapermen and celebrities were guests of George J. Schaefer and RKO at a dinner held in the Empire Room last night in honor of Anna Neagle and Herbert Wilcox, star and producer, respectively of "Nurse Edith Cavell." Anglo-American friendship was stressed by the speakers.

Schaefer was toastmaster. Among the speakers were Miss Neagle, Wilcox and Charles Hallert, Belgian vice-consul.

Some of the guests were W. G. Van Schmus, Richard C. Patterson, Jr., Mr. and Mrs. Frederick Ehrman, Mr. and Mrs. Terry Ramsaye, Mr. and Mrs. Jules Levy, Sir Louis Beale, Jack Alicoate, Sam Shain, Don Mesereau, Ned Depinet, M. H. Aylesworth, Malcolm Kingsburg, Leon Goldberg, Major L. E. Thompson, Mr. and Mrs. William Mallard, Leo Mishkin, William Boehnel, Bide Dudley, Kelcey Allen, Al Finestone, Andrew Christiansen, Barret McCormick, Gus Eyssell, Bob Wolff and Frank Nugent.

The dinner followed a special preview of the RKO-Wilcox film at the Lexington Avenue Trans-Lux theatre.

No Paper Monday

Motion Picture Daily will not be published on Monday, Sept. 4, which is Labor Day.

Equity Takes Strike Action; Others Follow

(Continued from page 1)

ing to convince the 4-A to call off the warfare.

Bert Lytell was named acting president of Equity during the illness of Arthur Byron.

Vincent Jacobi, business agent for the Stagehands' Union, Local 1, declared that Equity members would refuse to walk out Tuesday.

Threaten to Close N. Y. Theatres

Following Equity's strike action, Dullzell said:

"If the stagehands walk out of 'Leave It to Me' Monday night, our people will walk out of every New York show on Tuesday."

Ruth Richmond, executive secretary of Chorus Equity, announced that her organization would follow suit.

A Hollywood dispatch reported the arrival of Ralph Morgan, S.A.G. president, and Kenneth Thomson, S.A.G. executive secretary and vice-president of the 4-A, following their New York negotiations which failed earlier in the week.

Saying that peace proposals have failed because of Alliance President George E. Browne's adamant stand on forcing Ralph Whitehead, secretary of A.F.A., back into the picture, Thomson said:

"The actors are ready to strike for honest unionism and the right to govern themselves."

Mobilizing in Hollywood

S.A.G. and A.A.A.A. leaders are mobilizing their forces in Hollywood for the strike by holding a series of 'round-the-clock meetings which will continue until Sunday's mass meeting when oral ratification of strike pledges already taken will be asked.

Thomson said that 99 per cent of the memberships contacted has endorsed a strike.

Morgan, explaining steps to be taken in the event the stagehands refuse to work with a Tucker substitute in the show, said that on Tuesday film actors will be ordered not to report to studios. Entertainers in other fields where Alliance members work and even radio shows employing I.A. men would be affected.

Get I.A Charter

George E. Browne, I.A.T.S.E. president, yesterday granted a charter to a group of legitimate stage treasurers who deserted the Theatre Managers, Agents and Treasurers Union. Walter O'Connor heads the 14 treasurers belonging to the new group.

Delay Bingo Action

MILWAUKEE, Aug. 31.—Examination of Mr. and Mrs. Edward Zrinsek, operators of the Bahn Frei hall tavern, scheduled for Sept. 1, has been stopped by court order and Charles W. Trampe, president of Film Service, Inc., who started action against the hall to restrain it from holding Bingo games, has been ordered to show cause Sept. 8 why the proposed examination should not be quashed. Trial of the action instituted by Trampe has been set for Sept. 13.

Purely Personal

HARRY WARNER, president of Warner Bros., and MRS. WARNER arrive Monday on the *Queen Mary;* also MR. and MRS. BOB HOPE.

•

DR. VLADIMIR K. ZWORYKIN of Camden, RCA television scientist, is attending the congress of the British Association for the Advancement of Science at Dundee, Scotland.

•

TOM WARD, assistant manager at the State in Denver, and MRS. WARD are the parents of a baby boy named RICHARD.

•

LINDA WARE, 14-year-old Paramount star, will sing at the Hollywood Bowl Sept. 6, with LEOPOLD STOKOWSKI conducting.

•

LOUIS CALHERN, RKO player, begins a week's engagement Monday in "Susan and God" at the Adams Theatre, Newark.

•

N. H. ZOOK, building superintendent at Radio City Music Hall, is an enthusiastic camera fan, having taken 400 photos of the World's Fair.

•

NORMA SHEARER is due Wednesday on the *Manhattan* from a vacation on the Riviera.

•

ADOLPHE MENJOU has been signed by RKO to co-star with KAY KYSER in "That's Right, You're Wrong."

•

BARNEY MCGILL, 20th Century-Fox cameraman, is vacationing here.

•

WALTON AMENT, editor of RKO Pathe News, is vacationing.

•

WATTERSON ROTHACKER is in town.

SOL LESSER, United Artists producer, will go to New Hope, Pa., today for preliminary conferences with THORNTON WILDER, author of the play, "Our Town," which LESSER will produce. After several days with WILDER, LESSER accompanied by MRS. LESSER will tour New England by car, searching for backgrounds for the production. He will be back in Hollywood on Sept. 22.

•

JEAN GIONO, author of "Harvest," will direct in France the filming of his novel, "The Song of the World," with MARCEL PAGNOL as producer. French Cinema Center, Inc., will release the film here.

•

DOUGLAS FAIRBANKS arrived yesterday from abroad via trans Atlantic *Clipper.* MRS. FAIRBANKS (Lady Ashley) arrives today on the *Nieuw Amsterdam.*

•

EDWARD G. ROBINSON, Warner star who returned from Europe this week with his wife and son, will leave for the Warner studio early next week.

•

CEDRIC WORTH, ROBERT RICHARDS and PETER LYON have been added to the script staff of the March of Time by LOUIS DE ROCHEMONT, producer.

•

GEORGE TRENDLE returned to Detroit yesterday after a few days in New York.

•

WALLACE BEERY, accompanied by his daughter, CAROL ANN, is in town, stopping at the Waldorf-Astoria.

•

JOHN NOLAN is in Hollywood.

•

HARRY A. ROSS is in Chicago.

'Nazi Spy' Is Strong In England, France

"Confessions of a Nazi Spy" is reported by Warners to be doing outstanding business in England and France.

Several countries which are maintaining a strict neutrality stand have banned the film, however. The most recent is Switzerland. The picture has also been banned in Holland and all Scandinavian countries.

Argentine and Brazil have prohibited the picture, allegedly due to Nazi pressure, but Warners is making representations and hopes to lift the ban soon. Several small South American republics are understood to have banned the picture.

Mrs. Crandall Dies

WASHINGTON, Aug. 31.—Mrs. Harry M. Crandall, widow of the late pioneer exhibitor of this territory, died at her home here this morning, after an illness of six months. She is survived by a sister and three daughters, one of whom, Dorothy, is the wife of John J. Payette, a former associate of Crandall and now general zone manager for Warner Theatres in the local area.

Judge Ashby to Speak

Judge A. L. Ashby, NBC vice-president and general counsel, will address the national convention of Alpha Kappa Psi on radio as an economic and social force at Poconoma Manor, Pa., on Sept. 6.

SAG Activities Under U. S. Probe on Coast

LOS ANGELES, Aug. 31.—Included in the U. S. Attorney General's probe of alleged labor racketeering in Hollywood will be activities of the Screen Actors Guild, MOTION PICTURE DAILY learned exclusively today.

Charles Carr, assistant U. S. Attorney General conducting a general probe of the industry from labor and income tax angles, has definitely placed charges made against S.A.G. and its leaders by members on his list and this week will interview approximately 20 players.

Included in this group will be several dancers, members of both the American Federation of Labor and S.A.G., who, they charge, were coerced and intimidated into joining the American Guild of Variety Artists, group created by A.A.A.A. to replace A.F.A. Dancers asserted they were threatened with loss of film work if they did not join A.G.V.A.

Also under investigation will be charges of a minority group that senior members of S.A.G. negotiated a contract with producers for extra players without giving the latter a chance to have voice.

Zukor, Hicks Due

LOS ANGELES, Aug. 31. — Adolph Zukor and John W. Hicks, Jr. arrive Monday abroad the *S.S. Monterey* from Australia where they spent six weeks conferring with Paramount sales and theatre executives.

Projectionists Schedule Big Fair Program

(Continued from page 1)

General to the Fair; Nate Golden, U. S. Department of Commerce; Earle Hines, president, International Projector Corp., and Herbert Griffin, vice-president; E. L. Worfolk, comptroller, A. E. Meyer, generum-sales manager, and A. J. Palmer of International Projector; Dr. Alfred N. Goldsmith, past president of S.M.P.E.; E. A. Williford, president, S.M.P.E.; F. H. Richardson of *Motion Picture Herald;* Walter E. Green, president, National Theatre Supply Co.; James Frank and Will Smith of the New York branch of National Theatre Supply, and James J. Finn.

The talks and films which will be shown will trace the development of the industry during the past 40 years. Among those present will be William Reed, the first projectionist of which there is any authentic record, and other pioneer "operators" whose activity paralleled the start of the industry.

"The general purpose of 'Projectionist Day' is to give recognition to the projectionist as a loyal citizen and as a skilled technician who has made an outstanding contribution to the tremendous success of the industry," the committee states.

Those active in making arrangements in addition to Basson, include H. Oppenheimer and Louis Kaufman of Local 244; Harry Rubin, director of projection for Paramount; Lester Isaac, Loew's director of projection and his associate, M. D. O'Brien; Thad Barrows and James Burke of Local 182, Boston; Victor Wellman of Local 160, Cleveland; Arthur Martens and Dick Hayes, Local 650, Westchester County; Frank Cummings, W. Nanengast and J. Engle of Local 640, Long Island; P. A. McGuire, International Projector; G. Edwards, O. Kafka and C. Eichhorn.

'Golden Boy' Televised

The second of two television broadcasts of a trailer of Columbia's forthcoming Music Hall production, "Golden Boy," will take place at 8:30 P.M. today. The first telecast was on Tuesday.

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PREVIEW CRITICS HIT PINNACLE OF PRAISE FOR THE STORY THAT SHOCKED THE WORLD!



"A fine picture...amazing the way it holds interest . . . audience profoundly moved . . . Anna Neagle gives an inspired performance."

—Louella A. Parsons, International News Service

"Definitely on the 'must see' list . . . Holds you every minute of the way . . . Anna Neagle is certainly a living lesson to some of the better-known actresses."

—Erskine Johnson, King Features Syndicate

"It remains one of the finest pictures to come to the screen . . . No other actress could have achieved the role of Edith Cavell as perfectly as Anna Neagle." *—Paul Harrison, NEA Service*

"Herbert Wilcox will be able to present with pride his first picture made in America . . . A film of quality, dignity and great interest . . . You feel as if you were viewing the actual happenings with real persons instead of actors . . . Anna Neagle's portrayal by all odds one of the finest of the year . . . worthy of consideration for Academy honors."

—Edwin Schallert, Los Angeles Times

"Miss Neagle's performance ranks her among the major film actresses."

—Meyer Levin, Esquire

"A beautiful picture with a powerful theme . . . Anna Neagle is one of the finest actresses of the screen." *—Whitney Bolton, N. Y. Morning Telegraph*

"The drama of Cavell is powerful . . . Thought-provoking drama with a stellar performance of the highest calibre."

—Harrison Carrol, Hollywood Herald & Express

"Outstanding among the year's pictures . . . Anna Neagle reaches a new high in bringing dignity and grace to the screen."

—Hedda Hopper, Jones Syndicate

"One of the most imposing films to come out of Hollywood . . . Intensely moving in its subdued tones, ruthlessly violent in its brutal moments . . . Will prove itself a potent box-office factor."

—Hollywood Reporter

"Begets a sure suspense which holds audi- ences spellbound . . . Anna Neagle gives a superb conception of the Cavell role." *—Hollywood Variety*

"Without question, the motion picture event of the year . . . Anna Neagle's portrayal is definitely an Academy award performance . . . Everyone must see 'Nurse Edith Cavell'."

—Alice Tildesley, Phila. Ledger Syndicate

"A powerful dramatic picturization . . . gripping, stirring production." *—Film Daily*

"Intense drama . . . A tale of sacrifice and devotion, appealingly told." *—Motion Picture Daily*

"One of the greatest productions ever to come from any studio . . . Should hold all audiences through every brilliant moment . . . The best that is Hollywood's and England's is here combined in a single glorious production."

—Elizabeth Wilson, Screenland and Silver Screen

ANNA NEAGLE AS





"I have never been more moved by any motion picture . . . It is one of the truly great pictures of all time . . . The tender and poignant performance of Anna Neagle rates the highest honors filmdom can bestow." —*Ruth Waterbury, Photoplay*

"Here is a picture so perfect that a most minute examination reveals not a single flaw . . . Will stand for years as the high water mark in Hollywood production . . . I join what certainly must be a chorus in declaring that Anna Neagle has turned in an Academy Award performance."

—*Mayme Ober Peak, Boston Globe*

"A film beautifully done . . . It has a sus- pense that is remarkable . . . There is a nobility about the picture which is almost above tears."

—*Jessie Henderson, Philadelphia Bulletin, Baltimore Sun*

"I loved it . . . Miss Neagle's performance and Herbert Wilcox, producer, made of the picture a triumphant occasion that will be long remembered."

—*Harry Mines, Los Angeles Daily News*

"A profoundly stirring picture . . . Don't miss it . . . and make a small bet that Anna Neagle will be up for an Academy Award."

—George *Fisher, Mutual Broadcasting's Hollywood commentator*

"'Nurse Edith Cavell' will go down in screen history as one of Hollywood's greatest productions." —*John Schwartzkopf, Fawcett Publications*

"A strong dramatic picture with Anna Neagle seen in one of the finest dramatic performances to originate in Hollywood . . . Herbert Wilcox's production and direction is tops with Hollywood's own aces."

—*Clarke Wales, Detroit Free Press*

"An impressive picture that puts over a smashing message . . . Anna Neagle is terrific . . . She gives an inspired performance."

—*Eric Ergenbright, McNaught Syndicate*

"From the opening scene to the final one the audience was held spellbound . . . Outclasses everything I have seen in the way of a picture . . .Nothing else like it . . . It is superb . . . Comes nearer to being a masterpiece than anything I have seen for a long while . . . Anna Neagle gives a performance that places her beside Sarah Siddons and Ellen Terry."

—*Col. R. A. Duckworth-Ford, London Times*

"Superbly knit story . . . perfect character casting and pungent direction . . . Anna Neagle's performance places her beside Hollywood's greatest tragediennes in international screen importance . . . Nurse Edith Cavell impresses me as an all-around candidate for Academy honors."

—*W. H. Mooring, London Daily Herald and Film Weekly*

"A magnificent and impressive picture . . . Great page of history brought vividly to the screen."

—*Harold Salemson, Paris Soir and Pour Vous*

"In this opus Anna Neagle, beautiful, quiet- mannered English star, hits Hollywood like a bombshell."

—*Ella Wickersham, Los Angeles Examiner*

NURSE EDITH CAVELL





"'Nurse Edith Cavell' is a picture which will live long in the memory of everyone who sees it."

—J. Maurice Ruddy, Daily Sketch, Sunday Graphic, London

"The most powerful film ever to reach the screen . . . In the title role Anna Neagle gives a superb conception of the martyred Nurse Cavell . . . A performance of Academy calibre . . . The picture is destined for universal triumph with every kind of audience."

—Guy Austin, London Daily Express

"Herbert Wilcox has made a great film . . . Anna Neagle's 'Nurse Edith Cavell' is a masterpiece . . . No other screen artist save Charles Chaplin has such pantomimic genius."

—Ray Lewis, Canadian Motion Picture Digest

"A beautiful and moving recital of the story of the English nurse . . . It is an important film told with direct simplicity . . . Miss Neagle's performance is brilliant in its quiet sincerity . . . She makes the martyred nurse a credible human person."

—Robin Coons, Associated Press

"This film is one of the screen's few authentically great and significant tragedies . . . The production is as nearly perfect as Hollywood ingenuity and British thoroughness could make it . . . I am willing to believe that Miss Neagle's conception of the role is as the martyred nurse would have wanted it."

—Philip K. Scheuer, Los Angeles Sunday Times

ANNA Neagle AS NURSE EDITH CAVELL

with

EDNA MAY OLIVER
GEORGE SANDERS
MAY ROBSON
ZASU PITTS
H. B. WARNER
SOPHIE STEWART
MARY HOWARD
ROBERT COOTE

RKO RADIO PICTURES

IMPERADIO PICTURES, LTD.
A HERBERT WILCOX PRODUCTION
DISTRIBUTED BY RKO RADIO PICTURES, INC.
SCREEN PLAY BY MICHAEL HOGAN

PRODUCED AND DIRECTED BY

HERBERT WILCOX






99 KIDS
AND
BING!
Paramount
Pictures
Listen to those cash registers sing!

BIG BUSINESS!



"THE STAR MAKER" 20% ahead of "UNION PACIFIC."



"THE STAR MAKER" neck and neck with "UNION PACIFIC."



"THE STAR MAKER" topping "MAN ABOUT TOWN," "MIDNIGHT" and neck and neck with "UNION PACIFIC."



"THE STAR MAKER" 30% ahead of "UNION PACIFIC" —topping any Paramount Picture for the year.



"THE STAR MAKER" 20% ahead of "UNION PACIFIC."



"THE STAR MAKER" neck and neck with "UNION PACIFIC."



"THE STAR MAKER" 80% ahead of "UNION PACIFIC."

Paramount presents

"THE STAR MAKER"

with

BING CROSBY • LOUISE CAMPBELL
LINDA WARE • NED SPARKS
LAURA HOPE CREWS • JANET WALDO
WALTER DAMROSCH with the Philharmonic Orchestra of Los Angeles

Directed by Roy Del Ruth

Produced by CHARLES R. ROGERS

Screen Play by Frank Butler, Don Hartman and Arthur Caesar
Based on a Story by Arthur Caesar and William A. Pierce
Suggested by the Career of Gus Edwards

Paramount Pictures

'Star Maker' Denver Lead With $11,000

DENVER, Aug. 31.—"The Star Maker" led the town with a strong $11,000 at the Denham. "Winter Carnival" drew a good $12,000 at the Denver in a week of generally satisfactory business.

Estimated takings for the week ending Aug. 30:

"Stanley and Livingstone" (20th-Fox)
ALADDIN—(1,400) (25c-40c) 7 days. Second run. Gross: $4,000. (Average, $3,500)
"Wizard of Oz" (M-G-M)
"Five Times Five" (RKO)
BROADWAY—(1,024) (25c-35c-40c) 7 days. Second run. Gross: $4,500. (Average, $2,500)
"The Star Maker" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: $11,000. (Average, $6,500)
"Winter Carnival" (U.A.)
DENVER—(2,525) (25c-35c-40c) 7 days. Stage show. Gross: $12,000. (Average, $9,000)
"Lady of the Tropics" (M-G-M)
"Rookie Cop" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $9,800. (Average, $9,000).
"Blondie Takes a Vacation" (Col.)
"Exile Express" (G.N.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $3,500. (Average, $3,500)
"Each Dawn I Die" (W.B.)
"Inside Information" (Univ.)
RIALTO—(878) (25c-40c) 7 days. "Each Dawn I Die." Second run. Gross: $2,500. (Average, $1,750)

Buffalo Houses Aid Fight on Paralysis

BUFFALO, Aug. 31.—Buffalo theatre owners have been called in on conferences designed to curb the city's recent infantile paralysis epidemic.

Eight new cases of the disease and two deaths within 24 hours, greatest since early in July, were reported to the Health department yesterday.

A "request" that theatre owners deny admission to children up to the age of 12 has been taken under advisement by operators. Theatre men, however, say banning of children would not have the desired effect unless all other places of public assemblage were closed. Municipal swimming pools were closed today.

A. Charles Hayman, acting in behalf of theater operators, assured the Health department that every possible cooperation would be given. Hayman is president of the Motion Picture Theater Owners' Association.

Rodgers Acclaims "Gone With the Wind'

CHICAGO, Aug. 31.—W. F. Rodgers, enroute to New York from the Coast, stopped off here between trains today and hailed "Gone With the Wind" as the "picture that starts where all other films leave off." He said plans for release of the film will be decided upon his return to New York. He also predicted that "Babe in Arms" will be the greatest filmusical grosser which Metro has ever made.

Jubilee Dinner Tuesday

Variety Club Jubilee Dinner will be held at the Hotel Traymore, Atlantic City, on Tuesday evening, with P. Mortimer Lewis and Frank R. Gravatt, president of the Atlantic City Steel Pier Co., acting as Kings-for-a-Day.

Theatre, Personnel Notes

Move Famous Players Men

TORONTO, Aug. 31.—Important promotions are announced by Famous Players Canadian Corp., affecting personnel over a wide area in Eastern Canada. R. S. Roddick of Toronto, former district supervisor of theatres in the London, Ont., territory, has been transferred to Halifax, N. S., where he will have supervision over theatres in the Maritime Provinces. Roddick takes over the management of the Capitol in Halifax in succession to L. Graburn, who returns to the home office at Toronto.

Jack Arthur, manager of the Uptown here, is promoted to district manager for western Ontario after having managed ace theatres of the circuit for many years. Fred Trebilcock, assistant manager, is promoted to manager of the Uptown.

The transfer of Roddick to the Maritime Provinces zone marks the virtual retirement of Clarence Robson, who has served many years as eastern division supervisor, and who is seriously ill. It is understood that Morris Stein of Toronto, central Ontario district manager, will take over the eastern Ontario territory temporarily.

Milton Samuel Transferred

KNOXVILLE, Tenn., Aug. 31.—Milton Samuel, manager of the Bijou, has been transferred to Tuskeegee, Ala. His successor here has not been named as yet.

Open Denver Offices

DENVER, Aug. 31.—The Coppell Amusement Co. has opened offices on Denver's film row. They are distributors of Mexican and Spanish films in this territory.

Manages Buffalo House

BUFFALO, Aug. 31.—The Twentieth Century Theatre has a new manager, Richard Kemper, for many years an executive of the Nikitas K. Dipson theatres and former general manager in West Virginia, with headquarters in Wheeling. Nicholas J. Basil, executive vice-president of the Dipson-Basil Theatre, said Kemper will replace William Dipson, corporation secretary, who has been acting manager since the house was taken over from the Shea circuit Aug. 1.

Standard Takes House

GREEN BAY, Wis., Aug. 31.—Standard Theatres Co., operators of the Bay and Strand here, have taken the Grand from George Hannon. The new operators will renovate the house and have also announced plans for the erection of a new theatre on the city's west side shortly.

Manager in Knoxville

KNOXVILLE, Tenn., Aug. 31.—James Gaylord, formerly of Montgomery, Ala., is the new manager of the Park here. He succeeds Milton Carr, who resigned recently.

Shift Wog to Denver

DENVER, Aug. 31.—Ollie Wog, recently salesman for Universal at Los Angeles, has been transferred to the Denver territory, where he succeeds Carl Mock, who was moved to Indianapolis.

To Show Foreign Films

BUFFALO, Aug. 31.—Dewey Michaels, owner of the Mercury Theatre, will present foreign films and revivals of American pictures.

Two Labor Groups Condemn 'Citizen'

Two labor organization actions against Paramount's "Our Leading Citizen," which is termed anti-labor, have been taken in New Haven and in New York.

The executive board of the New Haven Central Labor Council passed a resolution condemning the film as unfair to labor. The executive board of Local 16, United Office and Professional Workers of America also passed a resolution condemning the film. A letter was sent to Paramount by Peter Q. Hawley, union president.

Set Canada Thanksgiving

TORONTO, Aug. 31.—The Dominion Government, disregarding the European situation and the decision of President Roosevelt to advance the date of Thanksgiving Day in the United States, has proclaimed Monday, Oct. 9, as a statutory holiday for the official Thanksgiving Day in Canada. This move was anticipated by the film exchanges and theatre men in drawing up schedules of bookings for the new season although the date is not permanently fixed in the Dominion.

Change Warner Title

HOLLYWOOD, Aug. 31.—"We Shall Meet Again" has been selected as the final title for the Warner film formerly known as "West of Frisco," which stars Bette Davis and George Brent.

Fly Takes M'Ninch Job as Chief of FCC

WASHINGTON, Aug. 31.—James L. Fly, appointed by President Roosevelt on July 27 to succeed Chairman Frank R. McNinch, tomorrow will take over the leadership of the Federal Communications Commission.

While he will be sworn in as a commissioner tomorrow, Fly is not expected to hold any formal meetings of the commission until after Labor Day. The commissioners have been called to meet tomorrow, however, in informal session, probably for the purpost of "getting acquainted" with Fly.

Like his predecessor, a "trouble shooter" for the Administration, Fly is expected to take up reorganization of commission policies and procedures where Chairman McNinch was forced to drop it last April when he became ill. Because of his continued illness and the prospects that he would not be able to carry the strain of his position for some time to come, Commissioner McNinch submitted his resignation to President Roosevelt last month.

Lunceford Sues

Jimmy Lunceford, orchestra leader, has filed suit in the N. Y. Supreme Court against Decca Records, Inc. in which Lunceford asked for judgment of $7,500 claiming this sum to be due him for royalties on 36 records made under two contracts on Sept. 4, 1934, and Jan. 2, 1936.

'Tropics' Hits Good $18,000 In Pittsburgh

PITTSBURGH, Aug. 31.—In a week dominated by hold over first runs, "Lady of the Tropics" zoomed to $18,000 at the Stanley in its first stanza, while "Five Came Back" at the Warner drew $7,000. Second week of "The Wizard of Oz" drew $10,000 at Loew's Penn.

Estimated takings for the week ending Aug. 31:

"When Tomorrow Comes" (Univ.)
ALVIN—(1,900) (25c-35c-50c) 7 days, 2nd week. Gross: $5,500. (Average, $7,000)
"Second Fiddle" (20th-Fox)
FULTON—(1,700) (25c-40c) 7 days, 2nd week. Gross: $4,400. (Average, $5,000)
"The Wizard of Oz" (M-G-M)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days, 2nd week. Gross: $10,000. (Average, $13,000).
"News Is Made at Night" (20th-Fox)
"Mr. Wong in Chinatown" (Mono.)
SENATOR—(2,000) (25c-40c) 7 days. Gross: $2,400. (Average, $3,500)
"Lady of the Tropics" (M-G-M)
STANLEY—(3,600) (25c-35c-50c) 7 days. Gross: $18,000. (Average with stage show, $17,000)
"Five Came Back" (RKO)
"Bridal Suite" (M-G-M)
WARNER—(2,000) (25c-40c) 7 days. Gross: $7,000. (Average, $5,000)

Outdoor Activity Hurts Louisville

LOUISVILLE, Aug. 31.—Summer business hasn't been up to the summer normal because of the many outdoor attractions.

The summer operatic season in Iroquois Park wound up on Aug. 12, which helped a little. However, the Lousiville baseball club, playing under new ownership, up to Aug. 18 had drawn over 212,000 as against 50,000 paid admissions all of last year, and with several games yet to go, probably will break the record of the 1926 pennant winner, which played to 233,171. In addition, there is Fountaine Ferry Park, and the River excursion steamers to draw summer crowds.

Signs Wisconsin Discrimination Bill

MADISON, Wis., Aug. 31.—Gov. Julius P. Heil has signed the Rubin bill which provides for stricter penalties for discrimination against persons in inns, hotels, places of amusement, etc., because of color or creed.

The amendment to the state law increases the minimum damages to which violators are liable from $5 to $25.

WING Joins NBC

WING, Dayton, O., has joined NBC as an optional station of the Basic Red or the Blue networks, but available only to sponsors not using WLW. Network rate for the station will be $140 per evening hour. Station is owned by WSMK, Inc., and operates the year round at 500 watts daytime and 250 watts night.

Warner Golf Sept. 19

Warners' annual golf tournament will be held Sept. 19 at Glen Oaks Country Club at Little Neck. Jerry Keyser is chairman of the golf committee. Others on the committee are Leonard Palumbo, Harold Rodner, Gene Werner and Abe Kronenberg.

Newsreels Set For War Duty; Big Obstacles

(Continued from page 1)

even Clippers to fly the first pictures over. "But it will all have to be done in a hurry, and no one knows just what the Governments will permit," a newsreel editor explained. "There can be no advance information as to what means of transportation will be available. Shipping, of course, will be dislocated and even stopped by blockades, and Clipper service may be discontinued entirely."

Censorship Chief Worry

One of the major headaches will be Government censorship and military surveillance.

"Even if you have 500 cameramen in the field it doesn't mean anything," said Tom Mead, editor of Universal Newsreel. "It's only what they let you take out that counts."

And that may be very little, after the military officials are through cutting the film. Furthermore, all newsreels will depend on the European newsreels for material, and in time of war they become virtually propaganda media.

Some of the newsreel men agree that with virtually the identical official sources available to all, the newsreels will show a difference not in the material but in the editing and manner of presentation.

It is estimated that about 200 cameramen, including the European and American staffs, will cover the expected war. The reels have no plans to send men from here unless an urgent lack of manpower arises.

Yesterday Universal Newsreel learned that one of its cameramen, Russell Wright, was detained at Danzig by the police. He was suspected of having taken motion pictures of the city.

Fools Officials, Saves Films

In some manner not yet explained he was able to conceal the films, and after a still camera and pictures were taken from him, he was put on a boat bound for Stockholm. The newsreel films are due today on the *Clipper*.

The films coming out of Germany are only what the Government permits. Pictures of the Siegfried Line which German theatres were compelled to show were received by the American newsreels. Universal, for one, did not use them because of their propaganda nature.

All reels have affiliates in one or more European countries, chiefly England and France. There is an interchange also with newsreels in Italy, Switzerland, Poland, Holland and Germany.

During the dark days preceding the Munich pact, the French Government drew up a plan for joint coverage by the newsreels. It is believed that this plan will go into effect in event of hostilities.

Russell Muth, general European director for Movietone News, and Ettore Villani, the newsreel's chief in Italy, are now visiting in New York. If war breaks out, they will rush back.

Movietone News has zoned Europe in six sections, with a staff allotted to each to facilitate coverage of any possible theatre of war.

The entire Paris staff of the Paramount News was conscripted with one exception. He is Ned Buddy, Paris Bureau chieftain, now on leave in the States. Arthur Menken and Buddy are due to leave on the Clipper this morning as reinforcements.

It has been revealed also that there has been no newsreel films shipped out of Italy for the past two weeks. There is no explanation for this. Whether this is due to censorship or other regulations is not known.

Stop Phone Service

Telephone service between the United States and London was suspended yesterday, thus handicapping motion picture companies in New York City. At the same time Great Britain imposed a censorship on all cables between America and England.

BANNER RADIO LINES

By JACK BANNER

THE CRISIS IN EUROPE has taxed radio as never before, not excepting even the Czech-Munich episode. In the past ten days NBC has aired 127 special programs of European crisis material, CBS has aired 250 special programs to date, and Mutual approximately 100 broadcasts. They have come from every conceivable trouble spot on the map and from most of the diplomacy areas. Mutual's schedule may very well serve as an example for all the networks. Since the crisis developed, Mutual has aired 59 programs from abroad; 15 from Washington, 26 from New York.

The local stations have not shirked, either. WOR, WMCA and WHN are the independents who are extending themselves to the utmost to keep their listeners abreast of the situation. As an example, take WOR's schedule—167 individual programs on the war threat, 75 from abroad, 79 from New York, 13 from Washington. Raymond Gram Swing, WOR's European analyst, has virtually slept beside the microphone on a cot for the past week and his work has been outstanding in a field crowded with brilliant performers. WMCA's Johannes Steel and WHN's George Coombs have stayed at their microphone posts around the clock and they, too, have turned in admirable work. In these days when Hitler is creating world-wide ill-will for himself and nation, our radio is earning the good-will of American and world population by more than living up to its mandate to operate in the "public convenience and necessity."

CORRIDORS IN RADIO CITY are beginning to resemble Hollywood movie lots these days, what with performers trekking in and out of studios garbed in costumes suitable to the various plays being presented in television, and faces heavily made up.

THE OTHER DAY George Coombs, WHN's commentator, read in the newspapers a dispatch which related that in these nights of crisis, Herr Hitler was losing three hours of sleep. Moved by the story Coombs steeped himself in statistical effort and reported on the air: "1000,000,000 radio listeners in America and approximately the same number of people abroad have lost three hours each listening at their loudspeakers to war news, and 5,000,000 reservists have lost 500,000,000 hours. Since this has been going on for 10 days, the world has wasted 1,100,000,000 hours of time."

Then Coombs added: "And Herr Hitler asks us to feel sorry for him because he is losing three hours of sleep."

INS IS FUMING AT WMCA as a result of what occurred following the station's scoop in presenting, ahead of any station and newspaper, INS Correspondent William Hilman's story out of London which revealed the context of Hitler's reply to Chamberlain. The *Herald-Tribune*, the *News* and the *Post*, none of which subscribe to the INS service, used the story on their front pages and credited WMCA as the news agency which broke the story!

Crisis at WMCA

During the hectic afternoon hours of the European crisis yesterday WMCA monitored a broadcast from Berlin, and liking the speaker, placed him on the air. The man spoke his piece. At the close when he announced his identity, horrified WMCA engineers quickly cut him off the station, but not before he was able to add "NBC's representative." He was Max Jordon.

Republic Deal

Republic has closed a new season product deal with Warners' Pacific Coast theatres. The deal was consummated by James R. Grainger, Republic president; Grover C. Parsons, West Coast sales manager, and Francis Bateman, Los Angeles branch head, with Port Major representing the circuit.

Newsreel Parade

Developments, especially in the United States, pertaining to Europe's war crisis, take a prominent place in the material of the new issues of the newsreels. Paramount is shipping material newly arrived by plane from Europe, immediately it is ready, as part of the current issue. The reels and their contents follow:

MOVIETONE NEWS, No. 102.—Navy bombers hop to Alaska. Howard Hughes tests new stratoliner. *Squalus* appears above surface. Willow trees used to construct mats on Mississippi. New British envoy at White House. Thomas E. Dewey visits home town. Admiral Yarnell decorated by Roosevelt. Airline hostesses enlist in Army Nurses Reserve Corps. 6,000 girls contend for title of Miss Greater Chicago. Walter Hagen retires. John Cobb in auto race. Olympic divers at Los Angeles Stadium, Newsette.

NEWS OF THE DAY, No. 300.—*Bremen, Normandie, Aquitania* and *St. Louis* searched. New British envoy in U. S. Polish Army moves to borders. *Squalus* salvaged. Mickey Rooney and Judy Garland at the Fair. Harvest Moon Ball. Women's U. S. golf championship.

PARAMOUNT NEWS—No. 1.—Latest material from Europe. Pistol and rifle matches in Ohio. Salvation Army names leader. Dog show on the coast. Walter Hagen quits tournament golf.

RKO PATHE NEWS, No. 13.—U. S. detains foreign ships. Canada guards against sabotage. Russia tests factory defenses. German youth drafted for harvest. Personalities in the spotlight. Army engineers "pave" Mississippi. *Squalus* rises, then sinks again.

UNIVERSAL NEWSREEL, No. 802.—U. S. acts in war crisis. Canada looks to defenses. New British envoy arrives. Racer killed in Hamburg, N. Y., crackup. *Squalus* rises, then sinks. Roosevelt honors Admiral Yarnell. Bathing beauties dunked in Chicago. More than 1,000 youngsters in Indiana parade. Olympic diving aces try out at Los Angeles.

Murphy's Meeting With Hays Revealed

WASHINGTON, Aug. 31.—Attorney General Frank Murphy disclosed today that he conferred earlier this week with Will Hays but said the discussion did not touch upon the Government suits against the industry.

No suggestions have come to the department that the Government either ease off on its prosecutions or delay them, he said. The meeting with Hays was for the purpose of discussing a "formula" to be followed by the producers in making pictures involving Department of Justice activities. Department officials, it is known, have not been pleased over the way their activities were depicted in some recent films.

The Attorney General revealed that he will fly to Los Angeles next week for the purpose of spending a couple of days in that city going over the motion picture, labor and other matters with F.B.I. Chief Edgar Hoover, already in California.

Columbia Gets Delay On Folley Suit Reply

Stipulation extending the time of Columbia Pictures to Dec. 20 to serve and file its answer to the suit of Folley Amusement Holding Corp., former operator of the Folley Theatre in Brooklyn, was filed in the U. S. District Court yesterday. Attorneys for parties to the suit refused to explain the long delay in filing the answer.

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VOL. 46. NO. 45 NEW YORK, TUESDAY, SEPTEMBER 5, 1939 TEN CENTS

Strike Avoided As Actors Heal Union Breach

Big Victory Won by 4-A; A.F.A. Dissolved

Sophie Tucker, reinstated by Equity following settlement of the jurisdictional fight with the I.A.T.S.E., returned to the cast of "Leave It to Me" at the Imperial Theatre last night.

The Associated Actors and Artistes of America settled differences with the stagehands. A pact was signed which provides that the I.A. will not encroach on the jurisdiction of the actors in any of the performing fields. It also unites the 4-A with the I.A. in an agreement which the stagehands have with the American Federation of Musicians.

By the new agreement the American Federation of Actors is dissolved. Ralph Whitehead, executive secretary of the A.F.A., appears to be out. Miss Tucker, who had been president of the A.F.A., and Harry Richman, vice-president, were reinstated in the 4-A unions from which they had been suspended for their continuance with the A.F.A.

American Guild of Variety Artists, recently-formed 4-A group, succeeds the A.F.A., which covered vaudeville. night club and presentation fields. Eddie Cantor is the A.G.V.A. president.

Terms of the settlement were announced by Frank Gillmore, 4-A president, at an actors' mass meeting at the Hotel Astor Sunday night. About 4,000 were present to hear plans for a strike. Instead Gillmore disclosed that peace had been reached with the I.A. He said it was the wish of people in the theatre not to add fresh strife to a world already overburdened with war.

The settlement was announced in Hollywood Sunday night at a mass meeting of 5,500 actors. Frank Morgan, Screen Actors' Guild president, thanked William Bioff for his efforts leading to the settlement. The peace pact was signed in Hollywood by John Gatelee on behalf of the I.A. and Kenneth Thomson, S.A.G. executive secretary, for the 4-A.

Theatrical Managers, Agents and Treasurers Union voted Monday night for an immediate showdown on its status as a result of the actor-stagehand agreement. They condemn the I.A.T.S.E. for granting a charter to a group of insurgent T.M.A.T. treasurers. If peace is not reached in 48 hours, T.M.A.T. plans to call a strike in theatres where the I.A.T.S.E. treasurers may be working.

MPTOA Convention Unlikely for Frisco

San Francisco, Sept. 4.—H. V. Harvey, president of the Independent Theatre Owners Association of Northern California, an affiliate of the M.P.T.O.A., announced today that the M.P.T.O.A. National Convention would not be held here this year.

Harvey said that the tentative dates, late in October, were not satisfactory and that overcrowded hotels due to influx of World Fair visitors cut the chances of securing suitable accommodations for delegates and others.

31 Film Companies Must Answer 68 Trust Suit Queries

The Government filed a demand on Friday in the U. S. District Court to require all corporate defendants named in its anti-trust suit to submit written answers to 68 interrogatories covering the history and financial structure of the defendants and their activities in production, exhibition and distribution.

The demand asks that each of the 31 companies named file separate answers but does not set a deadline date for filing.

The first group of questions asked for details on the fixed and current obligations of each defendant, the names of officers and directors and a list of the 20 largest stockholders of record for each class of stock. Information on ownership of securities of each company and on the active participation by security holders in company affairs is required by a number of questions. The Government also wants details as to gross and net income of companies and an account of its financial interests in all other con-

(*Continued on page 2*)

New FCC Chairman Denies Any Shakeup

WASHINGTON, Sept. 4.—There will be no immediate reorganization of the Federal Communications Commission, it is promised by the new F.C.C. chairman, James L. Fly.

Retiring Chairman Frank R. McNinch said the staff report on the monopoly and network investigation will be completed within three weeks and that within ten days or two weeks a report will be ready for the president from the interdepartmental committee which for the past two years has been studying the international radio situation.

WAR SHUTS DOWN THEATRE BUSINESS IN BRITAIN, FRANCE

By SAM SHAIN

War with Germany has caused a blackout of show business in France and England by Governmental order.

America's two biggest foreign markets have been cut off, causing the film companies to consider revision of their production and operating setups to meet these new conditions. Steps have been taken by all to conserve their cash positions. Nobody knows how long the situation may last.

French and British cinemas are shuttered. British production is shut down. On reopening, which London hopes will be in about three to six weeks, the cinemas and the screen may be commandeered for propaganda purposes by the Government and subject to the most rigid censorship, regardless.

Even now, the British Government is consulting with Alexander Korda about making a patriotic feature for propaganda use.

Korda's own Hollywood production plans seem to have gone into the limbo and his other production activities are reported at a standstill.

When the cinemas resume they are expected to reopen only in locations and under circumstances and rules which will be set forth by the Government.

The newsreels are already under strict censorship of the Ministry of Information.

The Denham Studios, Britain's principal film production center, is now the headquarters of the London Stock Exchange. Most of America's quota product is made there and like all other production, excepting newsreels, is virtually suspended.

Hollywood studios are compelled to revise their plans and schedules and to substitute American players for those British and French actors who are working here now and who may be subject to military call.

Because David Niven is a British reserve officer who may thus be forced to leave for England at any time, Samuel Goldwyn has temporarily suspended production of "Raffles," until a suitable substitute for Niven is found.

Shipping facilities and foreign exchange are seriously affected not only with France and England, but also with their colonies and the British nations around the world. There have been no blackout measures reported from these distant countries.

Not only is the depletion of film income imminent but a severe depletion in manpower has developed. American companies, wherever possible, are rushing reinforcements abroad, especially for the newsreels. The call to arms in France and England has taken many away from their studio and office jobs.

London indicates that the present blackout is temporary and that the

(*Continued on page 8*)

Lubitsch Daughter Rescued Off Athenia

When the torpedoed British liner Athenia went down, among those rescued were Nikola Lubitsch, 10-month-old daughter of film director Ernst Lubitsch, and the little girl's governess. They had been returning from a visit to Nikola's mother in London.

War Theme Films Speeded on Coast

LOS ANGELES, Sept. 4.—The outbreak of war in Europe found studios well prepared today to meet whatever increase of popular interest in war films may follow.

Released nationally today is RKO's "Nurse Edith Cavell," a film grooved to the developments of the day. MGM is ready with "Thunder Afloat"; Paramount with "Disputed Passage," and Samuel Goldwyn has "The Real Glory" completed.

Meanwhile local speculation is rife as to what effect the overseas news would have on Charles Chaplin's production plans for "The Dictators," which were lately reported as again under revision.

Columbia and Universal, which may reissue "All Quiet on the Western Front" and "The Road Back," are the only studios without war films in immediate prospect.

MGM has announced "Florian," "Balalaika" and a remake of "Jour-

(*Continued on page 8*)

Six Selected For Canada Film Board

MONTREAL, Sept. 4.—Membership of Canada's National Film Board has been announced in Ottawa by Trade Minister Euler. It is composed of three members of the civil service and three outside. Those outside are Professor Walter C. Murray of Saskatoon, president of the Canadian Film Co., and a director of the National Film Society; Edmund Turcotte, former editor of *Le Canada*, French-language newspaper in Montreal, and C. G. Cowan of the British American Bank Note Co., Ottawa, vice-president of the National Film Society.

Civil Service members are J. G. Parmelee, Deputy Minister of Trade and Commerce; R. S. Hamer, general executive assistant in the Department of Agriculture, and Col. V. I. Smart, Deputy Minister of Transport.

The announcement came as a surprise after a statement a few days ago that the matter would be shelved due to the crisis. The first duty of the board will be the appointment of a Government film commissioner, chief executive officer of the organization.

Created by an act passed last session, the National Film Board is primarily to be used in coordinating the present film activities of various Government departments wtih a view to quality, efficiency and economy in both production and distribution. Its main concern will be the organization of a central distribution service. There will be no interference with present commercial organizations.

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JAMES ROOSEVELT, vice-president of Samuel Goldwyn, Inc., arrived Friday via American Airlines from the coast, going on to Washington and flying back yesterday to California.

•

L. J. McGINLEY, "field marshal" for W. J. HEINEMAN's western division in the exhibitor-sponsored Universal drive, visited the studio late last week, where he was welcomed by NATE BLUMBERG, president; J. CHEEVER COWDIN, board chairman, CLIFF WORK and other studio officials.

•

GLORIA JEAN leaves tonight for Toronto as ambassador of the New York World's Fair to the Toronto Exposition. She is scheduled to speak at a luncheon there attended by RALPH DAY, Mayor of Toronto, and LIEUTENANT GENERAL ALBERT MATTHEWS of Canada.

•

PHIL REISMAN, foreign sales manager for RKO, is attending the company's Argentine sales convention at Buenos Aires with NAT LEIBESKIND as chairman.

•

CHARLES OLAJOS, treasurer of Erpi, is enroute to the coast for a short vacation, during which he will visit the company's Hollywood offices. He plans to return to New York about Sept. 15.

•

HAL DANSON of Paramount's exploitation department has returned after being out a week with an attack of bronchial pneumonia.

•

VINCENT TROTTA, VYVYAN DONNER and ARMANDO have gone to Atlantic City to serve as judges in the selection of "Miss America of 1939."

•

GEORGE RAFT left Monday night for the west coast following a vacation here and in Europe.

•

HARRY SEED, Warners Pittsburgh branch manager, has left after conferring with ROY HAINES at the home office.

•

TED REED, Paramount director, returned to the Coast over the week-end after conferring here on story properties.

•

LOUIS CALHERN and JESSE ROYCE LANDIS, stage and screen players, were New York visitors during the week.

•

Warners has signed JOHN DEERING, west coast radio announcer. He will make his debut in "State Cop."

•

PAT REESE, secretary to HOWARD DIETZ at M-G-M, has returned from her vacation.

•

WILLIAM P. MONTAGUE of Paramount News returns today from a vacation.

•

IRVING MAAS, 20th Century-Fox foreign service manager, is vacationing.

•

HARRY KREBS of M-G-M's advertising department has been vacationing.

•

NEIL McCARTHY is in town from the Coast.

•

ALLEN JENKINS flew to the Coast over the week end via United Airlines.

•

WILL H. HAYS left for the coast Friday to be gone several weeks.

WILLIAM HOLDEN, star of Columbia's "Golden Boy," who was heard yesterday on the "Magic Key" program, will be interviewed by GABRIEL HEATTER this evening. He will be in Pittsburgh tomorrow and continue his personal appearances in Buffalo, Detroit and Chicago, en route back to the coast.

•

JOHN MONKS, JR., and FRED FINKLEHOFFE, authors of the Broadway play, "Brother Rat," have been signed to writing contracts by M-G-M. Contracts also have been signed with CAREY WILSON, FRED RINALDO, DAVID HERTZ and JACQUES TOURNEUR.

•

YVONNE, eldest daughter of MR. and MRS. JOHN J. FITZGIBBONS was married in Toronto Thursday to DR. MILTON ROBINSON, son of MRS. ROBINSON and late DR. M. ROBINSON of New York. FITZGIBBONS is vice-president of Famous Players Canadian Corp.

•

MAGNOLIA MILLER, daughter of HARRY MILLER, musical comedy comdian and composer, made her NBC debut when she sang on Madge Tucker's Sunday morning show over WJZ.

•

MARTY MULLIN, SAM PINANSKI, PHILIP SELETZKY and WALTER HIGGINS of M. & P. Theatres, Boston, have been in town working on an M-G-M deal with TOM CONNORS, division manager.

•

FRANK BOWEN, who has been in the theatre business since 1900, and MRS. BOWEN, will celebrate their 25th wedding anniversary in Kansas City today.

•

Among visitors here for the World's Fair are NORMA PUHLMAN of the Milwaukee Paramount exchange, and CARL SPELLMAN of the Amuzu Theatre, Oakland, Ind.

•

ELLEN DREW and JOHN HOWARD were honorary starters for the ninth annual Vincent Bendex air trophy race to Cleveland and New York Friday night.

•

SAM FEINSTEIN, operator of theatres in Nebraska and Wyoming, received severe cuts on the face in an automobile accident in Denver.

•

TYRONE POWER and ANNABELLA, recently returned from Europe, flew back to the coast via American Airlines on Friday.

Warners' Meeting In Australia Sept. 11

After several months in the United States, Ralph Clark, general manager of Warners in Australia and New Zealand, has returned to Sydney and set Sept. 11 for a sales convention there. George Dillon, New Zealand branch manager, will sail for his first visit to New York in four years immediately after the convention.

Harold Dunn, Far Eastern supervisor, has arrived in Tokyo after a trip through India, Siam, Singapore, Java, French Indo-China, Shanghai and Hong Kong. After arranging for government permit for importation of Warner product to Japan, and investigating the Manchuokan situation, Dunn will proceed to New York to report to Sam E. Morris, vice-president in charge of foreign activities.

68 Questions Asked by U. S. In Trust Case

(*Continued from page* 1)

cerns directly or indirectly engaged in the industry.

Information on production centers mainly on the lending and borrowing of stars, directors, technicians and production properties by producers—a number of the questions ask for data as to whether, in each instance, the lending of stars and directors carried with it an agreement to share profits, and, if so, exactly what arrangements were made.

Questions concerning distribution concentrates on alleged discrimination in the treatment of theatres affiliated with one of the five principal producer-exhibitor companies and independents. Complete information on production costs and film rentals is sought as to all feature films, newsreels and short subjects distributed during the 1935-'36, 1936-'37 and 1937-'38 seasons. Separate information as to affiliated theatres and independents is asked by the government and particular interest is expressed in theatres located in New York City, Philadelphia, Chicago, Washington, Los Angeles and Cincinnati.

The Government also propounds several detailed interrogatories on affiliation of corporate defendants with theatre chains and on the operation of pooled interests by companies. Each defendant is requested to furnish details on how theatres were acquired, from whom and under what circumstances, date of acquisition and arrangements for the split of box office receipts.

The demand concludes with a series of questions of the history of each company and its scope of operation and purposes. A resume of instances where a defendant merged or consolidated with another company, changed its structure through reorganization of acquired substantial stock or property interests in other companies is also sought.

Canada Air Censorship

MONTREAL, Sept. 4. — All radio broadcasting in Canada today was under the rule of government censorship as result of the European war situation.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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Short Subject Reviews

"March of Time, Vol. 6, No. 1"

(RKO)

"Soldiers With Wings" is as timely a reel as the current issues of any newsreel. Surrounded as we are by the terrors of a European war, interest is necessarily heightened in military preparations here. Shown are the efforts to establish a better fighting air force in this country. Young men, recruited from the colleges and military academies, are schooled in the mechanics of airplanes and taught to fly them. A slight effort is made to explain wartime strategy and the bombers and pursuit planes are shown in action. Running time, 20 mins.

"One Against the World"

(M-G-M)

John Nesbitt herein gives the stirring story of Dr. Ephraim MacDowell, who performed the first major operation upon a human being in 1809, and almost was hanged as a consequence by the superstitious townsfolk of Danville, Ky., site of the episode. Dr. MacDowell was detested by the natives because he believed in medicine and surgery rather than the prevailing superstitions. When Dr. MacDowell decides that only an operation can save the life of a Mrs. Crawford, the citizens raise a cry that he is about to murder her, and as MacDowell operates, the crowd awaits outside the house, prepared to hang him in the event of her death. Running time, 10 mins.

"The Bookworm"

(M-G-M)

A cartoon fantasy in color, "The Bookworm" haplessly bores his way through the covers of a tome just as the books are coming to life at the witching hour of midnight. The pages of Macbeth open to disclose the three witches brewing the devil's potion. They lack just one ingredient for the brew—a worm. Edgar Poe's Raven promises to deliver one, and just at this stage the worm burrows through a nearby book. The usual variety of adventures undergone in cartoon chases are revealed, with the worm coming out best. Running time, 9 mins.

"Take a Cue"

(M-G-M)

Pete Smith, M-G-M's general sports popularizer, introduces Charles C. Peterson, a billiard expert who teaches the fine art of the table game to college students. In the film Smith takes Peterson to a college where Homer, a basketball star, is the campus big shot. When Peterson begins to show his cue wizardry to the students, however, Homer's fans desert him to watch the billiard champion execute the brilliant shots that have brought him championships. It's a reel full of entertainment value, and instructive to those who desire to learn about the game of billiards. Running time, 9 mins.

Insider's Outlook

By SAM SHAIN

ONE of the bigger film companies has temporarily postponed dividend action in view of the situation abroad, indicating that the foreign crisis already has had an effect on the domestic policies of picture concerns.

METRO'S home offices are buzzing with enthusiastic executives and officials by current reports from the coast. They're all excited about "Gone With the Wind," "The Women," "Ninotschka," "Blackmail," and "Babes in Arms."

And—Si Seadler got the gout in the nick of time.

FELIX JENKINS, secretary and general attorney of 20th Century-Fox, has a boy, Dan, who is gaining show business experience by serving as a ticket taker at Billy Rose's Aquacade, at the World's Fair.

The other day, a rather dashing and determined looking woman, not satisfied that the gates were closed on order because there was not even standing room left, made a fuss about getting into the Aquacade.

"Young man," said the woman, "I want you to understand that my husband is an executive of Warner Brothers."

"Madame," said Dan, "My father is an executive of 20th Century-Fox, and look where I am."

AT the Sherry-Netherland, with Mr. and Mrs. Sol Lesser. Mrs. Lesser in a stylish Paris creation was knitting a robe for the grandchild they expect soon. Mrs. Lesser's great chic contrasted so with her role of prospective grandmother.

Frank Craven will be the narrator in Lesser's production of "Our Town," for United Artists.

The Lessers are joining Mr. and Mrs. Mendel Silberberg, in the Thousand Islands, and plan a visit with Thornton Wilder, author of the play, at New Hope, Pa., before returning to California. They expect to be back on the coast not later than September 22.

WITH Mr. and Mrs. Murray Silverstone and their three beautiful children, Marilyn, Barbara and Susan, and Attorney Charles Schwartz at the Silverstone home in Scarsdale. Mrs. Silverstone, a picture of charm and grace, and a gracious hostess. Murray Silverstone and Charles Schwartz only recently returned from conferences on the Coast.

THE fellow who may be sitting in the driver's seat in a waiting taxicab on New York's busy street corners is not always the chauffeur of that cab, as visitors to New York have discovered. He is merely a decoy for a cab which is parked with a chauffeur some yards behind. The cabbies use these decoys in order to keep competitor drivers from doing business at these sites. It is the unpleasant experience of many to enter a cab only to have the man in the driver's seat jump out and refer the prospective customer to the cab which is waiting behind.

METRO will retain the title, "Ninotschka," on the Garbo film, after all, and plan to advertise the picture something like this:

GARBO in "NINOTSCHKA" (don't try to pronounce it—see it.)

Managers of W. Va. Vote M.P.T.O.A. Tie

HUNTINGTON, W. Va., Sept. 4.—The West Virginia Managers' Association, at its annual convention at White Sulphur Springs late last week, voted to affiliate with the M.P.T.O.A. The meeting was attended by Ed Kuykendall, national president.

The organization condemned the Neely bill, and asked that all distributors put trade practices into effect immediately regardless of the Government's action relative to the code.

All officers of the organization were reelected, headed by S. J. Hyman, president. Other officers are: Mrs. P. M. Thomas, Parkersburg, W. Va.; N. B. Carskadon, Keyser; L. E. Rogers, Welch, and R. W. Phelan, Clendennin, vice-presidents; W. H. Holt, Richwood, secretary-treasurer; J. C. Shanklin, Ronceverte, convention chairman.

'Darkness' for Welles

HOLLYWOOD, Sept. 4. — Orson Welles' first picture assignment for RKO, on which he will act as actor, director, writer and producer, will be "Heart of Darkness," story by Joseph Conrad.

Montreal Showing Set for 'Beau Geste'

MONTREAL, Sept. 4.—A special showing of Paramount's "Beau Geste" has been arranged for tomorrow for Noel Henry, French consul general here, at whose request the film was withdrawn late last week from the Palace, Montreal, and the rest of the Province of Quebec.

Henry said no permanent ban on the film had been asked, and emphasized he had not as yet seen the film.

The film ultimately was approved in the United States and now is being generally shown. The film in this country previously had been passed by the Quebec censor and then was recalled on request.

Paramount's office here said, "We view the postponment as a gesture of friendliness to Britain's ally in the present crisis."

Bell to Hollywood

Russell Bell, chief of Monogram's art department, is shifting his headquarters to the company's Hollywood studios. Accompanied by his family, he left on Saturday by car and will take about 10 days for the trip. A farewell luncheon was held Friday.

Theatre, Personnel Notes

Commonwealth Takes House

KANSAS CITY, Sept. 4.—Commonwealth Theatre has obtained an interest in the Paramount at Rockport, Mo., from John Stapel, former president of the Kansas-Missouri Theatre Association. Roy Jones, former Navy, Marceline, Mo., for Commonwealth, will manage the Paramount. Commonwealth also has completed a deal with Griffith-Dickinson Theatres, Inc., whereby Commonwealth assumes operation of the Dickinson at Creston, Ia. C. H. Kirkpatrick, who has been manager at the Dickinson, is continuing in that capacity.

Resume Hub Vaudeville

BOSTON, Sept. 4.—RKO Keith Boston begins its new Fall season with returning vaudeville. Shows have been booked ahead several weeks for three-day runs, Friday through Sunday, by Bill Harwood and Harry MacDonald, RKO division manager, James King returns as stage manager and Larry Flint to handle music, after several years' absence.

Buys Two Theatres in Northwest

SEATTLE, Sept. 4.—The Inland Theatre Circuit, operated by Fred Mercy and his family, has disposed of two of its smaller houses, one in Camas and one in Washougal. A. Coombs of Newberg, Ore., is the buyer.

Plans Theatre in Texas

TEAGUE, Tex., Sept. 4.—A new theatre will be constructed here by R. B. Weatherall, of Madisonville, Tex., who owns the Plaza there. J. G. Long recently bought the Star from H. H. Covington here.

Open North Carolina House

HIGH POINT, N. C., Sept. 4. — The new Ritz here has been opened by the Bijou Operating Co., operating a large circuit of colored theatres.

VanName in Seattle

SEATTLE, Sept. 4.—J. E. VanName has located in this city as district manager for Alexander Film Co. VanName was formerly in the film business in West Virginia.

Takes Tacoma House

TACOMA, Wash., Sept. 4. — The Rialto here, operated by H. T. Moore until his death a few months ago, has been taken over by Sidney Dean and John Owsley.

Raises Denver Prices

DENVER, Sept. 4.—Admission has been boosted from 10 to 15 cents by the Plaza. They have signed for M-G-M pictures exclusively.

Finish Jasper, Tex., House

JASPER, Tex., Sept. 4.—A new house, owned by Jefferson Amusement Co. and operated by A. B. Rhodes, has been completed.

Threet Opens Theatre

PORT ARTHUR, Tex., Sept. 4.—After L. M. Threet has opened the Jacksonville. He plans to build another new house here also.

NEW FAVORITES

EASTMAN'S three great new films back up their special characteristics with typical Eastman reliability and uniformity. Worthy successors to earlier Eastman emulsions, they are the new raw-film favorites of the motion picture industry. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN

PLUS-X
for general studio use

SUPER-XX
for all difficult shots

BACKGROUND-X
for backgrounds and general exterior work

New Mexican Plea for Cash By Producers

MEXICO CITY, Sept. 4.—Organized Mexican producers have again petitioned the government to render the cash and other assistance it promised the home industry some time ago. This aid is urgent, producers assert.

Forty of the Spanish government-ists who found refuge in Mexico, six of them women, have found good jobs as movie extras. They are working in the production, "Conquest of Mexico," an historical film, that Miguel Contreras Torres, who has had much Hollywood experience, is making near here.

The annual message of President Cardenas to the nation on the occasion of the opening of the new congress on received an unprecedented national broadcast wtih 40 stations carrying the speech.

The Mexican radio workers' syndicate has given unanimous endorsement to radio station KEFO, operated here by the Party of the Mexican Revolution, the dominant political organization, because it is campaigning for higher wages and better working conditions for Mexican radio employees.

Strength of the Confederation of Mexican Workers with regard to pictures was again demonstrated when efforts of the Cine Teatro Alameda, select local cinema, to show a news reel of the triumphant arrival here of Gen. Juan Andreu Almazan, important presidential candidate, were blocked by a folded arms strike of movie unionists. The Confederation is opposed to Almazan.

Arrangements for welding all Mexican picture workers into one big union are to be made at the convention of the national federation of cinematographic industry workers, which is affiliated with the Confederation of Mexican Workers, to be held in Guadalajara.

For the first time, a made-in-Mexico picture, "Corazon de Niño" ("Heart of a Child"), produced by Alfonso Sanchez Tello, had its premiere in the Palace of Fine Arts (National Theatre), which the government owns. The Palace was the scene of the Mexican debut of Warners' "Juarez."

"Corazon" has moved to the Cine Olimpia here, the only directly American-owned and operated cinema in this city, for regular exhibitions.

Lynn Finishing Picture

Henry Lynn, Jewish film director, is completing work on the cutting of the film, "A People That Shall Not Die," Yiddish film produced largely in Europe, which will be released late in the Fall.

'Warning' Bookings Set

The Alliance three-reeler, "The Warning," has been booked for first runs at the Grand, Albany; State, Schenectady; Century, Buffalo, and several Basil-Dipson houses in the Buffalo territory. First runs also have been set in Seattle and Dallas.

New York Reviews

"Coast Guard"

(Columbia)

Here is fast action screen material, with excellent names for the theatre marquee, a title which has an aura of excitement and romance and enough thrill development to satisfy the most avid action appetite.

Sharing the lead are Ralph Bellamy, Randolph Scott and Frances Dee, with Walter Connolly and Warren Hymer in chief support.

Edward Ludwig directed for maximum dramatic action effect from an original screenplay by Richard Maibaum, Albert Duffy and Harry Segall. Bellamy and Scott are a pair of Coast Guard officers, the former on board a cutter, the latter the corps' ace pilot. A hazardous and exciting rescue by Bellamy of Connolly and his crew aboard a sinking freighter in a heavy storm, leads to his falling in love with Miss Dee, Connolly's granddaughter.

When the shy Bellamy is assigned to flood duty, the woman-chasing Scott, honestly pleading Bellamy's cause, finds himself in love with her, and they marry. Scott, unable to lead the quiet life, returns to his old ways, his wife leaves, and he goes from bad to worse. But when Bellamy is lost in the course of an Arctic rescue of fishermen, she persuades him to fly to the rescue with Hymer, his mechanic. They succeed, with a thrilling toboggan down a snow hill to start the plane, and Scott finds his wife waiting when he returns.

Running time, 71 minutes. "G."* CHARLES S. AARONSON

"Wall Street Cowboy"

(Republic)

There is action enough in "Wall Street Cowboy" to keep veteran and neophyte patrons of the horse operas poised at seat edge throughout, and as added incentive to enjoyment, the picture boasts a rather unusual story for a western opus.

Roy Rogers is the star and he plays his part likeably, with able assistance by George Hayes, giving his picturesque "Gabby" characterization, and Raymond Hatton playing the part of eccentric "Chuckwalla." Rogers, "Gabby" and "Chuckwalla" are pals who bring their prairie naivete and habiliments to New York City, and for a trio of prairie dogies, do a right smart job of besting the cagey bulls and bears of Wall street who are out to trim them of their ranch and mining properties.

The soil of Rogers' ranch is rich in molybdenum, an element used in the manufacture of war supplies, but the ranch is mortgaged to Niles, a rancher with Wall street connections, and he, knowing the value of the Rogers ranch, intends to foreclose the mortgage he holds on it. Rogers and his two pals go east to enlist the aid of another Wall Streeter, a friend of the family. The story thence jockeys between the escapades "Gabby" and "Chuckwalla" get into in New York; the difficulties Rogers has in establishing contact with the family friend; the tussle between the opposing Wall Street factions in the race to win the property; the assistance given to Rogers by the financier's daughter and the subsequent romance between them, and Rogers ultimate victory.

Running time, 65 minutes. "G."* JACK BANNER

*"G" denotes general classification.

Bromfield Picture Will Open In Ohio

A special opening of "The Rains Came," 20th Century-Fox film produced from the Louis Bromfield novel, will be held at the Ohio, Mansfield, O., on Saturday. Bromfield's home is in Mansfield. The showing will follow by one day the world premiere of the film at the Roxy here.

Charles E. McCarthy, director of advertising and publicity, is arranging a special campaign in connection with Warner Theatres, who operate the Mansfield house. Lou Davidson of the home office exploitation staff, is in the Ohio town to prepare for the opening.

Names Club Chairman

KANSAS CITY, Sept. 4.—George Baker, head of the Variety Club here, has appointed Earl Jameson as general chairman of the 1939-'40 Charity Ball, and Frank E. Ritter and T. R. Thompson as co-chairmen of the annual golf tournament.

Charges in Momand Suits Bring Denials

OKLAHOMA CITY, Okla., Sept. 4.—Defendants in A. B. Momand suits in Federal Court here have filed their answers to Momand's amended complaint and bill of particulars. Griffith Amusement Company and Consolidated Theatres Corporation deny nearly all allegations. Monopoly, conspiracy and violation of the Sherman Act also are refuted. Fourteen film companies filed separate answers, making similar denials.

8,500-Mile Tour Set For 'Rulers of Sea'

A cross-country caravan, with two vessels mounted on trucks, will be used by Paramount to exploit the forthcoming "Rulers of the Sea."

Arrangement will be made for civic functions at stops on the 8,500-mile tour. It is expected to touch 500 cities and towns during the six weeks.

SMPE Holds Fall Meeting Here Oct. 16

The Society of Motion Picture Engineers will hold its 24th annual convention, Oct. 16-19, inclusive, at the Hotel Pennsylvania here. Through the reading of technical papers, presented by the industry's leading engineers and executives, the progress in the technical phases of the industry during the past year will be reviewed.

E. A. Williford, president of the Society, will preside at many of the convention sessions. General arrangements are in charge of W. C. Kunzmann, convention vice-president, who is also in charge of registration and information. An extensive program of papers and technical presentations is being arranged by J. I. Crabtree, editorial vice-president, and by the papers committee, headed by Sylvan Harris.

Local arrangements and reception of society delegates will be in the hands of an 18-man committee headed by D. E. Hyndman, chairman of the Society's Atlantic Coast Section. Hotel and transportation arrangements are in charge of J. Frank, Jr., and his committee. H. Griffin heads the committee on convention projection. Mrs. O. F. Neu will act as hostess to the women visitors, assisted by her ladies' reception committee.

One of the principal events of the convention will be the banquet and dance, to be held Oct. 18 at the Pennsylvania, when the annual presentations of the Progress Medal and Journal Award will be made. The Progress Medal is awarded annually by the board of governors of the society in recognition of any invention, research or development which has resulted in a significant advance in motion picture technology.

The Journal Award is made by the same board to the author or authors of the most outstanding paper originally published in the *Journal* of the society during the preceding calendar year. The names of the award recipients will be announced at the banquet.

Museum Arranges Schedule for Week

The Museum of Modern Art, in its Cycle of Seventy Films, for the current week has arranged the following program.

Tuesday — The gangster film. Wednesday—Stage into screen. Thursday—The sociological film. Friday—The development of narrative. Saturday—The rise of the American film. Sunday—The basis of modern technique. Monday—The sociological film. Each phase of film development is illustrated with appropriate pictures.

Club Resumes Vaudeville

PITTSBURGH, Sept. 4. — Variety Club Tent No. 1, American Legion post, will resume monthly vaudeville shows Sept. 6 at the Veterans' Hospital in suburban Aspinwall. Inaugurated last year as one of the pioneer Variety tent's benefit efforts, the original stage show stretched into a series of 14 entertainments.

'Star Maker' Hub Winner With $19,700

BOSTON, Sept. 4.—"The Star Maker" and "Bulldog Drummond's Bride" drew $19,700 at the Metropolitan. "The Wizard of Oz" and "Blondie Takes a Vacation" dualing in the second week at Loew's Orpheum and State took $17,400 and $7,700, respectively.

"Streets of Missing Men." (Rep.) (3 days)
"First Offenders" (Col.) (3 days)
"Wall Street Cowboy" (Rep.) (4 days)
"Good Girls Go to Paris" (Col.) (4 days)
RKO KEITH BOSTON—(3,200) (25c-35c-40c-55c). Gross: $6,000. (Average, $7,000)
"Stanley and Livingstone" (20th-Fox)
"Unexpected Father" (Univ.)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c), 7 days, 3rd week. Gross: $16,500. (Average, $14,000)
"The Magnificent Fraud" (Para.)
"The Chicken Wagon Family" (20th-Fox)
PARAMOUNT—(1,797) (25c-35c-40c-55c), 7 days. Gross: $7,500. (Average, $7,000)
"The Magnificent Fraud" (Para.)
"The Chicken Wagon Family" (20th-Fox)
FENWAY — (1,382) (25c-35c-40c-55c) 7 days. Gross: $5,400. (Average, $4,500)
"The Star Maker" (Para.)
"Bulldog Drummond's Bride" (Para.)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days. Gross: $19,700. (Average, $14,000).
"The Wizard of Oz" (M-G-M)
"Blondie Takes a Vacation" (Col.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $17,400. Average, $14,000)
"The Wizard of Oz" (M-G-M)
"Blondie Takes a Vacation" (Col.)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $12,000. Average, $10,500)
"Hotel for Women" (20th-Fox)
"Island of Lost Men" (Para.)
SCOLLAY — (2,500) (25c-35c-40c-50c) 7 days. Both 2nd run. Gross: $3,500. (Average, $4,000)

Each Company Must Decide Local Policy

Each distributing company will have to set its own policy with regard to local problems for which exhibitors demand solution, declares William F. Rodgers, general sales manager of M-G-M.

Rodgers returned Friday from the coast after viewing new product. While there he conferred with officers of the I.T.O. of Southern California on the organization's request for relief on first run moveovers and previews.

Rodgers promised to present M-G-M's answer to these problems by next Friday, when the I.T.O. will have its annual membership meeting. The exhibitors demand discontinuance of moveovers in the smaller towns and that "commercialism" be eliminated from studio previews in the Los Angeles area. They object to the advertising of "sneak" previews in advance, which amounts to a double bill and gives certain theatres an advantage, it is claimed.

Sales policy on "Gone With the Wind," Selznick International production for M-G-M release, will be set shortly. Rodgers saw the film at the studio. It will be given a premiere in Atlanta.

Saunders with Air Line

Edward Saunders, son of Ed Saunders, western Sales manager for M-G-M, has joined American Airlines as a sales representative handling film and radio accounts. He has replaced Stanley True, who has been transferred to Los Angeles.

Hollywood In Brief

HOLLYWOOD, Sept. 4.—One of the three national networks—"all are available," says a spokesman—will broadcast Attorney General Frank Murphy's presentation of an award to the producer of the picture made prior to June 15 which, according to ballotting conducted by the Motion Picture Democratic Committee, "shall be judged to have made the most valuable contribution to the democratic idea." Melvyn Douglas, co-founder of the M.P.D.C., will introduce Murphy, who will be followed on the program by the producer whose picture has been voted the award. The ceremonies will take place at the Victor Hugo cafe, where 500 reservations are being offered at $7.50 a copy.

This will be the M.P.D.C.'s first award, probably to be followed up annually. At present, though, the M.P.D.C. looks forward only to 1940, which it considers will be "the critical year of modern American life." The M.P.D.C. announces itself in print as ready to support President Roosevelt for a third term and as repudiating Vice-president Garner. It is not, however, avowedly Democratic—but democratic, with a small "*d*"—and it supported the Republican Fletcher Bowron in his successful campaign as recall Mayor of Los Angeles.

Voting for the picture whose producer is to receive the award was by delegates representing the guilds, unions and other organizations whose members are active in picture production, from writers, actors and directors to electricians, technicians and makeup artists. Studios were invited to nominate two pictures each in the competition and eight responded. RKO and M-G-M offered no entries.

The pictures voted upon are: "Spirit of Culver," Universal; "Man of Conquest," Republic; "One Third of a Nation," Paramount; "Made for Each Other," Selznick-UA; "Confessions of a Nazi Spy" and "Juarez," Warners; "Young Mr. Lincoln" and "The Story of Alexander Graham Bell," 20th Century-Fox; "Blockade," Wanger-UA; "You Can't Take It With You," Columbia.

Richard Rowland, busy in preparation of "Miss Bishop" as his first production for United Artists, takes time out to tell a questioner who asks because he remembers that the producer had been a leader in the industry some dozen years before the last world war and survived to continue as such, that yes, it'll make a difference over here if the guns start popping over there.

For one thing, there'll be a new psychology to deal with. For another, more tangible, there'll be less market from which to draw revenue and more difficulty about getting revenue back from such foreign countries as may not be closed to American films. So there'll have to be a reduction in production costs, which means fewer million dollar pictures, if any. To be safe, the price will have to come down to a figure that can be obtained from domestic exhibition.

That needn't mean, however, that pictures cannot maintain their present standard, even excel it. It does mean that more attention will have to be paid to the matter of making certain that there's a good story to be filmed before the filming starts. Good stories, in the Rowland opinion, are the answer to this problem and just about any other problem the industry now faces, may face or has faced, including the "B" picture problem and, *via* that one, the double feature matter. Incidentally, "Miss Bishop," in the Rowland opinion which his listener credits completely after hearing him tell it, is a good story.

LOUIS KING, currently directing "Typhoon," has been optioned again by Paramount.

BONITA GRANVILLE has signed a new M-G-M contract.

ANITA LOUISE and GAIL PATRICK go into "Reno" opposite RICHARD DIX for RKO.

Warner Brothers are building a new sound stage constructed over a four-foot concrete tank as big as Toluca Lake for ERROL FLYNN's "Sea Hawk." It'll be permanent.

ELLEN DREW, notably present in "If I Were King," is to play the top feminine role in Paramount's "Strange Money."

JEAN ACKER, JULIA FAYE and JULIUS TANNEN come back to the camera in "Remember the Night," producer-director Mitchell Leisen's forthcoming Paramount film starring BARBARA STANWYCK and FRED MACMURRAY.

LEWIS STONE is back at M-G-M after a month's needed rest to start work in "Judge Hardy and Son," next of the hardy Hardy series.

JOHN TWIST, writing "Father Damien" for RKO, has had his option lifted.

Milwaukee Outing Set

MILWAUKEE, Sept. 4.—The Variety Club here is sponsoring an all-day outing Sept. 8 at the Tripoli Country Club. The committee in charge includes L. F. Gran, Frank Clark, Charles W. Trampe, E. J. Weisfeldt and B. J. Miller.

Order Hits Bank Night

WISCONSIN DELLS, WIS., Sept. 4.—Law enforcement departments of Columbia County have issued an order that all gambling and lotteries must cease. Specifically mentioned in the order are Bank Night and Bingo. Prosecution is threatened if the order is disregarded.

English Units on Tour

LONDON, Sept. 4.—Four traveling film units are to tour the country next winter on behalf of the G.P.O. Film Unit. Arrangements will be on the same scale as last year, when 200,000 school children and 44,000 invited adults saw shows, each lasting about an hour.

Monogram Deals Closed

Monogram has closed deals for the 1939-'40 product with several circuits, according to George W. Weeks, general sales manager. The circuits include: Robb & Rowley, Dallas; Mutual Circuit, Detroit; Farrar Circuit, St. Louis; Bendheim Circuit and I. Notes, Washington.



TRUE STORIES FROM ALTEC FILES



O. A. KAFER
Manager,
Masonic Theatre,
New Bern, N. C.

Sound, Acoustics, "Periscope," Aid Oldest U. S. House

NEW BERN, NORTH CAROLINA—"With the exception of three years during the civil war, our theatre, the oldest in America, has been in continuous operation since 1812," said O. A. Kafer, manager of the Masonic Theatre here. "We also have one of the oldest sound equipments in use.

"The new Altec modification plan, applied to our sound system in the last few months, has brought about a very noticeable improvement in the high and low frequencies, and we notice a new clarity in both music and voice.

"When we remodeled our auditorium recently, our Altec inspector, M. F. Harrod, gave us invaluable assistance, in planning the proper acoustical treatment, lighting effects and wiring changes.

"Also, the observation port holes in the projection room are only 30 inches from the floor. Harrod designed a periscope consisting of a system of mirrors, which permits a full view of the screen at standing height for our projectionists."

• • •

Without obligation to yourself, the Altec inspector in your vicinity will gladly explain how the quality of sound reproduction from the equipment now in your theatre can be *improved.*

ALTEC
SERVICE CORPORATION

250 West 57th Street, New York City

THE SERVICE ORGANIZATION
OF THE MOTION PICTURE INDUSTRY

Films to Lift Public Morale In War Zones

(Continued from page 1)

theatres may reopen in about three to six weeks, under selective conditions and in locations named by the Government.

Caught in the war vortex is the pending transaction under which Odeon Theatres (Oscar Deutsch) was to have taken over Paramount's London theatre chain.

The newsreels are subject to censorship by the Ministry of Information. At the Denham Laboratories, one of Britain's principal printing plants, which is at present intensely active with newsreel printing, executives and employes are wearing gas masks and tin helmets.

Distribution depots have been arranged outside key cities, with the London clearing house now at Willesden, just outside the city, and later will be at Langley Park. All film has been removed from Wardour St.

In New York, a United Artists official said he believed the cessation of production at Denham Studios is temporary and that limited production would soon be resumed.

Keep Theatres Running For Good War Morale

Countries at war will aim to maintain the morale of the people by keeping film theatres running. While the theatres will be closed at the start, they will be reopened after a short interval under Government restrictions and emergency trade policies.

Film men who recall the experience of the business during the first World War believe that after the initial shock the people will want to forget the war and theatre business will be brisk.

Loss in rental revenue may be expected, however, and aside from other damage, the film companies expect to suffer losses because of the drop in exchange and tightened currency restrictions. This is expected to apply not only to the belligerents themselves, but in their dominions and possessions as well.

Foreign exchange has already been restricted in Australia. Film companies cannot make plans for Europe with any degree of certainty and in the early stages of conflict will be governed by day-to-day developments.

Except in places which are hard hit by fighting or air bombardment, film business is expected to continue. On one thing the film companies are determined—to keep shipments moving as long as possible.

That film company operations can continue under wartime conditions was demonstrated during the Civil War in Spain and also in China, despite the Japanese invasion.

Up to Saturday, all film shipments to Europe went out as scheduled, to both sides. Changes in shipping schedules have caused delays and rerouting, however. American boats are being used where possible. A naval blockade will alter the situation materially.

With regard to the currency situation, foreign department heads do not expect that countries which now permit export of credits will change their policies, at least for the time being, but the exchange rate may drop so low that it may not be worth while to take the money out. It is not believed that the Latin American countries will be affected greatly in this respect.

In London, film companies yesterday completed evacuation of their offices to the suburbs. In the key cities, film has been stored underground and in other bomb proof shelters.

While production has been disrupted in France, with most of the studio technicians and young directors mobilized, it is expected to continue in England right through the war, but with limited facilities.

Theatres in Great Britain, after a shutdown of probably four weeks, are expected to operate at least during daylight hours. The war activity and mobilization are expected to be reflected in curtailed patronage.

The release and booking situation will be seriously affected in the war countries. English theatres, which book some six months in advance, have product dated solidly to January. It is expected that exhibitors will effect poolings in places where only limited theatre operation is permitted.

Paramount has been advised that its London headquarters have been moved to an old manor house 20 miles from the city. David Rose, Paramount's British managing director, in an optimistic mood Friday cabled that he was calculating future quotas and inquired what films will be delivered before Sept. 20.

Paramount Officials Stranded in Europe

Stanton Griffis, chairman of Paramount's executive committee, and his bride, the former Whitney Bourne, are honeymooning at Aix-le-Bain, watering place in western France.

Two other Paramount men are wishing they were back in the United States. John Ojerholm, head of the eastern laboratory, is stranded in London where he went to set up laboratory facilities. Roger Clement, home office attorney, is stranded in Paris.

BANNER RADIO LINES

By JACK BANNER

NETWORKS REFUSE TO TELL, probably do not know, whether they will atempt to get microphones into the firing lines. CBS tried this two years ago when H. V. Kaltenborn went to Spain, and after a number of broadcasts that fizzled, finally was able to put a show on the air that carried the sounds of cannonading and rifle fire to listeners here. It is extremely doubtful, however, that such coverage will be attempted for this war. The networks will be content, it seems to us, to go on as they are, short-waving the news here from the capitals of the belligerent nations.

This in itself will be a feat in view of the censorship now being enforced throughout Europe. In answer to a query as to what will be done in the event that censorship is imposed and land lines in short-wave stations denied to the network, NBC's John Royal gave one of those "yes-and-then-again-no" answers. He said:

"We are always considering ways and means to serve the public in that situation. We will meet the subject when it arrives." In other words, Royal said not a thing.

President Lohr of NBC on Friday dispatched a memorandum to all staff members of the network cautioning all to hold their personal convictions to themselves and not to express their private opinions in public.

"It is very necessary that, under no circumstances, does any staff member forget that official actions of the company must be uninfluenced by the personal convictions of the staff members," Lohr warned. "In a democracy such as ours, it is the right of the listeners to arrive at their own conclusions, unswayed by us. Our job is to convey facts as they are and to protect radio broadcasting from misuse during a time of stress."

Television will show interest in the war should it develop beyond the stages of the present writing. NBC is planning a series of interpretive telecasts, disclosing the meaning of the struggle, its economic background and the significance of military moves. Among the devices that will be employed to convey these meanings are animated maps, interspersed with pertinent motion picture sequences, all with a running commentary.

The war coverage is not only taxing the physical makeup and personnel of the networks, but it is also proving a severe financial expense. All webs are now on a 24-hour "war footing," and commercial programs are being cut into or completely cut off with such regularity that it will take many weeks for the business departments of the webs to obtain a true accounting of the business losses.

Expert opinion is that it is now costing NBC and CBS about $15,000 a week to broadcast the present output of news.

Warner Returns Upon Queen Mary

Harry M. Warner, president of Warners, returned on the *Queen Mary* yesterday morning after a business visit to London. He refused to discuss the effect of the war on film business, declaring that "there is more at stake."

Other passengers were Bob Hope and Erich Maria Remarque, author of "All Quiet on the German Front" and an exiled German.

CBS Billings Show Biggest August Jump

August time billings on the three major transcontinental networks disclose unabated rises, with CBS far ahead in the percentage increase.

August, 1939, billings on CBS totaled $2,337,376, an increase of 44.2 per cent over the billings of the August of the previous year, at which time the billings amounted to $1,423,865. Cumulative billings on the network for the eight months of 1939 total $21,602,302, up 17.6 per cent compared to the cumulative total for the same period last year, of $18,373,777.

NBC's billings for August totaled $3,312,570, of which the Red network accounted for $2,636,267, and the Blue, $676,303. The August, 1939, total is an increase of 12.6 per cent over the August, 1938, billings, which totaled $2,941,099.

The eight month total on NBC amounts to $29,195,062, the Red network accounting for $22,472,110 and the Blue, $6,722,952. Cumulative total this year is up 8.4 per cent over the billings for the like period last year, of $26,923,483.

Mutual's August billings total $205,410, a rise of 24.7 per cent above the billings for the like month last year, of $164,626. This is the sixteenth consecutive month that Mutual billings have shown an increase over each preceding month. The network's cumulative total is $2,046,228, an increase of 22.2 per cent over last year's cumulative total for the like period, of $1,673,913.

War Theme Films Speeded on Coast

(Continued from page 1)

ney's End," and may advance "I Had a Comrade" on its schedule. Paramount has "Air Raid" and "Navy Nurse" on its agenda. 20th-Fox will provide "20,000 Men a Year" and "Father Duffy of the Fighting 69th." Walter Wanger will supply "Personal History."

Ben Judell's Producers Pictures is rushing "Hitler, the Beast of Berlin" into production. Warners will furnish at least six films of martial flavor. They are "The Fighting 69th," "Underground," "The Bishop Who Walked With God," "Eyes of the Navy," "Sabotage in the Air" and "Stuff of Heroes."

Kansas City Union Contracts Renewed

KANSAS CITY, Sept. 4.—Union contracts for the first runs (Midland, Orpheum, Newman, Uptown, Esquire, and Tower) and the Plaza, first subsequent run, will be renewed this year on the same basis as contracts expiring Aug. 31, according to Felix Snow, I.A.T.S.E. representative. There will be no change, according to Snow, for either stage hands or operators.

Since the operators signed contracts with suburban houses three weeks ago, this town is almost 100 per cent union. Only one or two small subsequent run houses do not employ union men.

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 46 NEW YORK, WEDNESDAY, SEPTEMBER 6, 1939 TEN CENTS

War to Affect 30% of World Film Grosses

U. S. Studios Act to Slash Production Costs

Film company executives estimated yesterday that 20 to 30 per cent of the world film gross is affected by the present European war. It is further estimated that about 60 per cent of the total foreign business is at stake.

These figures cover business normally done in the British Isles, France, Germany, Czechoslovakia, Austria and Poland.

Most of the companies had their product sold six months ahead or through February of next year. Even if theatres reopen after the present blackout, the problem of release dates, bookings and playing time remains.

Twentieth Century-Fox had scheduled four features from England for American distribution in 1939-'40. Replacing these, four films have been added to Sol Wurtzel's schedule of 24, and the company plans to release the full 52 features promised for the new season. Darryl F. Zanuck will make 24 and Wurtzel is now committed for 28.

A leading sales manager said the industry is faced with an unprecedented situation. He declared:

"During the war of 1914-1918 there was no world market for films. We had no foreign problems and the American market boomed. Now at least one-third of our gross revenue comes from abroad, and the cost of negatives has kept pace not with the

(*Continued on page 4*)

Film Censor Rules Invoked by Britain

LONDON, Sept. 5.—The first British film theatre to receive a permit to reopen, following the complete theatre blackout following the declaration of war, was at Aberystwith, in Wales.

The permission, however, was temporary, and contingent upon the functioning of certain emergency measures, including response to air raid warnings and the accessibility of air raid shelters.

The machinery for the censorship of all films, for home showing and export, was outlined today in new regulations issued by the government.

The system will be voluntary for films to be exhibited in England, with the British Board of Film Censors

(*Continued on page 4*)

War News Sends Film Stocks, Bonds Down on Exchanges

War news sent film stocks and bonds tumbling yesterday on the N. Y. exchanges. With sales coming close to the 6,000,000 mark and prices going up as much as 25 points for war commodity stocks, film stocks reflected the bad foreign outlook.

Paramount 1st preferred dropped 6 points to 77, Loew debentures, 3½s '46, were off 5 to 94½ and Universal 1st preferred dropped to 57, off 4.

Loew's common fell off 2⅞ to 32⅛, Columbia preferred dropped 2⅛ to 197⅞. Warner preferred dropped to 42, off 3, while Warner common lost ¼ to close at 3¾.

Eastman Kodak showed a rise of ½ point to 160½ and the preferred was unchanged at 168½. RKO at 1½, Monogram at 1⅛, Consolidated Film Industries at 1, Consolidated preferred at 8¼, American Seating at 9½, were unchanged.

Trans-Lux rose ¼ to 1½ and Sonotone gained ⅛ to close at 1⅜.

Other stock losses were: Columbia, 7, off ¼. General Theatres, 8½, off ¾. Paramount, 6⅞, off ⅜. Paramount 2d preferred 8⅛, off ⅞. Pathe Film Co., 8½, off ⅛. 20th Century-Fox, 13⅝, off ⅝. 20th-Fox preferred, 23½, off 1½.

Other bond losses were: B. F. Keith 6's '46, 99½, off ⅜. Warner 6's '48, 82, off ¾.

On the Curb Exchange:

Technicolor, 10½, off 2¼. Universal Corp., 3, off ⅛. Universal Pictures, 6, off ¼.

UA RESIGNS FROM MPPDA OVER B. & K.

Operators, Circuits Debate 25% Boost

A second meeting yesterday in the offices of Charles C. Moskowitz, executive operator of Loew's, between representatives of Local 306, projectionists' union, and metropolitan New York circuit chieftains, relative to a 25 per cent increase in salary sought by the union, ended without any action being taken. The matter probably will go to arbitration. Present discussions relate to terms for the next two years.

Policy Differences Cause Hays Break; Product Terms Involved

United Artists has tendered its resignation to the Hays office. This was done last week.

Difference over policy caused United Artists to act, also certain matters growing out of the company's present product negotiations with the Balaban & Katz circuit, of Chicago, principal Paramount chain of theatres.

A breakoff of relations between United Artists and the B. & K. chain is imminent. Company heads and company attorneys have been conferring on the situation for some time now.

L. J. Schlaifer, vice-president, in charge of western sales of United Artists, who has been in Chicago on the transaction, has returned to New York.

The battle over terms and conditions on U. A. product for the present season has been going on for several weeks.

Labor Day Grosses Jump on Broadway

Aided by favorable weather and record-breaking crowds in for the World's Fair, Broadway first run houses had one of the best Labor Day weekends in several years. At the Paramount, "The Star Maker" grossed an estimated $35,000 for the three days, with $60,000 indicated for the week.

First film to be held at the Strand

(*Continued on page 4*)

RKO Stock Offer By Atlas Expires

The Atlas Corp. offer to underwrite $1,500,000 of new RKO common stock at $4 per share has expired and is no longer in force, spokesmen for the investment company said yesterday.

It was pointed out that the offer was contingent upon its being accepted by the Federal court and the company on or before Aug. 29, and that when it was not accepted on that date the offer automatically expired.

Asked what purpose was being served, in view of this, by the Federal court study of the offer which is scheduled to be conducted by Special Master George W. Alger, and by the entry of the Securities and Exchange Commission into the RKO reorganization for the purpose of further examining the underwriting offer, spokesmen were non-committal.

One well-informed official, who however, is not a member of the Atlas firm, said that the continuation of the court and S.E.C. consideration of the offer could be undertaken now only on the assumption that the offer might be reestablished by Atlas at some later date. He emphasized, however, that there could be no as-

(*Continued on page 7*)

New Jersey Allied Opens 3-Day Convention Today

Allied States has left the door ajar to industry self-regulation moves, it is indicated by Abram F. Myers, general counsel, in a message to the 20th annual convention of Allied Theatre Owners of New Jersey, which starts today in Atlantic City.

After reviewing Allied's participation in the trade practice conferences, Myers, in his message in the convention journal, states:

"The major companies have two courses open to them. They can abandon all effort to settle the industry's troubles within the industry and concentrate on defending the numerous Government and private suits. Or they can study the record made by their sales managers and lawyers in the latest attempt at self-regulation and make a new and better effort.

"The lessons of the recent experience are not hard to find. They teach that if the industry is to practice self-regulation successfully it must be on a basis of respect for the independent exhibitors, their chosen leaders and their rights. There must be a real purpose to remedy abuses and not merely to tide over an emergency. There must be recognition of the demands of the Government and of the many public groups who have interested themselves in industry affairs. Above all there must be candor and the utmost good faith."

Messages in the journal by Col. H. A. Cole, national Allied president, and George Gold, president of the New Jersey unit, stress that because of developments in the last 12 months the position of the independent exhibitor is becoming stronger.

The three-day convention, at the Ritz-Carlton Hotel, will be featured,

(*Continued on page 2*)

Atlantic City Host Today To N.J. Allied

(Continued from page 1)

as in former years, by an Eastern regional conference of independent exhibitors, with representation from Allied units.

Eastern regional directors are scheduled to meet tomorrow, with Francis C. Lydon of Boston, national vice-president, as chairman. Units expected to be represented, in addition to New Jersey, are Connecticut, District of Columbia, Maine, Maryland, New Hampshire, Western Pennsylvania and West Virginia, Vermont, Eastern Pennsylvania and Independent Exhibitors of New England, Inc.

National officers scheduled to speak are Nathan Yamins, former president; Herman Blum, treasurer; M. A. Rosenberg of Pittsburgh; Sidney Samuelson, veteran New Jersey leader; Arthur Howard of Boston, Myers and Cole.

The official convention program follows:

Today—Registration of delegates, 10 A. M.; trade show, inspection of exhibits, 11 A. M.; first general session, 3 to 5 P. M.; get-together party, 500 Club, supper, dancing, floor show.

Thursday—Committee meeting, 10 A. M.; Eastern regional directors meeting, 11 A. M., followed by luncheon; second general session, 2 to 5 P. M.; ladies' beach party, 2:30 P. M.; official photographs, 5:30 P. M.; cocktail party, 7:45 P. M.; annual banquet, 8:30 P. M.

Friday—Third general session, 11 A. M.; election of officers; product survey results; committee reports.

Indiana Theatre Men To Convene October 23

INDIANAPOLIS, Sept. 5.—The 13th annual convention of the Associated Theatre Owners of Indiana, Allied affiliate, will be held Oct. 23 and 24 in the Hotel Antlers here.

Marc J. Wolf, general manager of Theatrical Managers, Inc., is convention chairman. Other members of the arrangements committee include Ernest L. Miller, Harry Markun, Earl Bell, Carl Niesse, Maurice Rubin, president, and Don R. Rossiter, executive secretary.

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Lv. 5:10 P. M. Ar. 7:43 A. M.
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Lv. 10:10 P. M. Ar. 1:55 P. M.
Ask your travel agent or phone HAvemeyer 6-5000. Ticket offices: 45 Vanderbilt Ave. and Rockefeller Center at 18 W. 49th St.
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Purely Personal

MR. and MRS. LEO SPITZ returned to New York yesterday, after two weeks in the middle west.

•

JOHN L. BARCROFT, press representative for RKO in Columbus, and CLARK and KENNETH RADER, circuit operators there, scheduled to sail on the *Roma* from New York for a Caribbean cruise, were compelled to give up their trip when the war cancelled the ship's cruise.

•

HELEN HAYES returned from Europe yesterday on the *Champlain* and was met at the pier by her husband, CHARLES MACARTHUR. Other passengers were MADELEINE CARROLL, JOHN BARBIROLLI, ROSE BAMPTON and ALFRED PELLETIER.

•

HELEN TWELVETREES is playing in "You Can't Take It With You" at the Starlight Theatre, Pawling, N. Y., supported by CURTIS COOKSEY, HARRIET MACGIBBON and RAY SOUTHWICKE.

•

MAX C. BATSEL, RCA Photophone chief engineer, has returned to his headquarters in Camden after a tour of several midwestern cities, where he visited exhibitors and circuit operators.

•

SIDNEY R. KENT, president of 20th Century-Fox, is due about Sept. 20 from Alexandria Bay. ROBERT T. KANE, 20th Century-Fox British production chief, arrives today from a stay with KENT.

•

FRED JACK, Warner southern district manager, and RALPH MCCOY, Atlanta branch manager, are in town for conferences with BEN KALMENSON, southern and western sales manager.

•

WILLIAM SCULLY, JACK COHN, JR., OSCAR DOOB, EDWARD A. GOLDEN, W. RAY JOHNSTON, WILLIAM FITELSON, TED CURTIN at BOB GOLDSTEIN'S Tavern for lunch yesterday.

•

GAYLORD E. CONRAD, MOTION PICTURE DAILY correspondent in Bismarck, N. D., was married Saturday to ABIGAIL ROAN of Bismarck.

•

AL ROSEN, manager of Loew's State Theatre, New York, is in the Medical Arts Center undergoing a series of operations.

•

HERMAN WOBBER, general sales manager of 20th Century-Fox, returned yesterday after an extended stay on the Coast.

•

BEN L. HEIDINGSFELD, Cincinnati attorney and associate of IKE LIBSON, arrived Monday on the *Queen Mary*.

•

MR. and MRS. HERMAN FINKELSTEIN (Schwartz and Frohlich) returned yesterday from Bermuda.

•

JAMES CRON, MOTION PICTURE DAILY advertising manager, left yesterday for a week's vacation.

•

E. E. CLIVE, English actor, has been signed by Warner for a role in "We Are Not Alone."

•

MATTHEW FOX returned to the city after a weekend upstate with friends.

•

SUSAN SILVERSTONE celebrates her first birthday next Sunday.

NATE J. BLUMBERG, Universal president, and CHARLES D. PRUTZMAN, vice-president, are expected to leave the Coast for New York today, arriving here this weekend. BLUMBERG has been at the studio all Summer, and PRUTZMAN for the past three weeks.

•

Recent New York visitors included ED MYERSON, David Square Theatre, Somerville, Mass.; M. STAVERT, Mason-Prevost circuit, Montreal; SAM SOLTZ, Howard, Baltimore; JAKE SOLTZ, Rhumba, Pittsburgh; RAY SCHREIBER, Midwest Theatres, Detroit; GARSON JAFFA, Schine circuit, Gloversville, N. Y.; CARL SPILLMAN, Amuzu, Oakland City, Ind.; MRS. FRANK WITEK, wife of Lake Shore manager, Chicago; JOHN R. SCHLEDER of the Harris circuit, Pittsburgh.

•

JACK EPSTEIN, Universal manager for Mexico, has arrived here to confer with J. H. SEIDELMAN, Universal vice-president in charge of foreign affairs. EPSTEIN has been associated with Universal for 13 years.

•

PHIL REISMAN, RKO foreign sales manager, today will board the *S. S. Brazil* at Rio de Janeiro for his return trip home. He is expected to arrive here Sept. 18.

•

TED HERBERT, senior salesman at WHN, and MRS. HERBERT are parents of a baby boy born Saturday.

•

EDWARD LINDER, house manager of the Criterion Theatre, returns today from a vacation.

•

ANNABELLE WARD of the Elliott-Ward Enterprises, Lexington, Ky., is in town.

U. S. Resumes Trial Of Balaban-Katz Suit

CHICAGO, Sept. 5.—Trial of the Government suit against Balaban and Katz and the majors continued today, after six weeks postponement, before Master in Chancery Edgar Eldredge. The Government called E. Van Pelt, Government auditor who presented film rental figure compilations and lists of picture release schedules, as evidence.

This afternoon the Government called F. L. Arnholt, of the Board of Education, who testified regarding the McVickers theatre deal since the School Board owns the property.

Government Attorneys Robert L. Wright and Seymour Simon expect to finish their arguments tomorrow. Defendants will present their side of the case immediately following.

TMAT and 3 Bronx Houses Settle Strike

Strike at the Vogue, Metro and Congress in the Bronx, by Theatrical Managers, Agents and Treasurers Union, has been tentatively settled. A memorandum agreement for a two-year period providing for a closed shop and re-employment of all striking employes has been signed. However, the contract is provisional on the purchase of the houses by Max S. Felder, Sighert Wittman and P. A. Block. The agreement specifically provides that Abraham Ludacer, strike leader and manager of the Vogue, is to be re-employed.

Studios More Active with 41 Films Shooting

HOLLYWOOD, Sept. 5.—Forty-one pictures were before the cameras this week, as 10 were finished and nine were started. Twenty-two are being prepared, and 82 are being ed

Started were: "The Incredible Mr Williams," "Blondie Brings Up Baby," Columbia; "Raffles," Goldwyn; "Looking After Sandy," "Broadway Melody of 1948," M-G-M; "Abraham Lincoln," Boggs," Republic; "Swanee River," "20,000 Men a Year," 20th Century-Fox; "Send Another Coffin," Wanger "Raffles" was suspended after one day's shooting.

In addition to these, shooting were "Beware, Spooks," Columbia; "Remember," "Northwest Passage," "Fast and Furious," "Dr. Cyclops," "Untamed," "Diamonds Are Dangerous," "Remember the Night," "Typhoon," "Campus Wives," "Victor Herbert," "Emergency Squad," Paramount; "The Hunchback of Notre Dame," "Allegheny Frontier," "Vigil in the Night," "Reno," "Abe Lincoln in Illinois," RKO; "Of Mice and Men," Roach "High School," "The Simple Life," 20th Century-Fox; "First Love," "Rio," "Tower of London," "Man from Montreal," "The Galloping Kid," "Green Hell," Universal; "The Roaring Twenties," "We Are Not Alone," "Four Wives," "State Cop," "Gambling on the High Seas," Warners.

Finished were: "Scandal Sheet," Columbia; "Balalaika," M-G-M; "Marshal of Mesa City," "Sued for Libel," "Headline News," "Arizona Kid," "Kansas Terror," Republic; "Drums Along the Mohawk," "Too Busy to Work," 20th Century-Fox; "Listen Kids"; Universal.

Columbia is shooting two, and M-G-M one short subject.

Jury Trial Asked In Kuhn Libel Suit

Warners yesterday filed an answer in N. Y. Supreme Court to the $5,000,000 libel suit of Fritz Kuhn over "Confessions of a Nazi Spy," and demanded the case be heard by a jury. The company claimed the film was based on actual minutes of espionage trials held in New York and the Panama Canal Zone.

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S.R.Oz.

While M-G-M's magic wonder show "WIZARD OF OZ" winds up the 1938-39 season in a blaze of glory, the year '39-'40 has opened up with all eyes on Leo the Lion!

YOUR ITCHING PALM!

there's a fortune in it!

We told you how the Previews of "THE WOMEN" and "BABES IN ARMS" created a furore! We pointed out that no season had ever yielded two such sensations to begin with. Now "NINOTCHKA" has been previewed . . . it is phenomenal! And "BLACKMAIL" and "THUNDER AFLOAT" have been previewed! They are smashing entertainments! Did we hear somebody say: "Pictures talk!"



War to Affect 30% of World Film Grosses

(*Continued from page* 1)

domestic business but with the development throughout the world. We don't know where we will have to scale down to meet the situation."

Film company executives anticipate that part of the European losses will be absorbed by better business here during the war, and also in Central and South America. The Americas will be the chief source of supply for Britain and France, it is pointed out, and tourist trade will remain in North and South America.

Evacuation of film offices in London went off with precision, home offices here have been advised. All companies made arrangements well in advance to establish storage vaults and headquarters in the suburbs. The 20th Century-Fox headquarters is now at the Wembley studio.

Film Exports Restricted

England has imposed restrictions on exports of exposed film, sound and silent, with a special export license made necessary.

Uncertainty as to the extent of retrenchments which will have to be made in production and other branches of industry operations in the event of a prolonged war in Europe was apparent throughout home offices yesterday.

However, that retrenchments will have to be made, and promptly, was admitted freely by ranking executives of all major companies.

In Hollywood yesterday, studio executives held all-day huddles and studied the war-affected market. Reports were heard that producers are to meet with Will Hays, who arrived Monday.

The first definite change in the line-up of announced schedules was announced by Warners, whose expensive "Sea Hawk" will be replaced as an Errol Flynn vehicle by "Outpost," a W. Somerset Maugham story.

Twentieth Century-Fox announced that "Scotland Yard" will not be produced and an unselected subject will be substituted.

Studios expressed a uniform interest in Washington developments which may affect distribution of films abroad and the subject matter of pictures.

Production Costs Face Slash

It was generally agreed on the Coast that a reduction in production costs is inevitable and that million dollar pictures will be fewer than during the past season.

Unconfirmed officially but understood to be tentatively decided upon are the dropping of "Quo Vadis" plans by M-G-M which, of course, will not produce its five announced British pictures, and abandonment of Hal Roach's plans for filming "Captain Caution."

Harry Cohn, arriving in Hollywood yesterday, is expected to defer immediate production of "Tree of Liberty," "Arizona" and possibly "His Girl Friday," all high budget pictures.

David O. Selznick, who gave Joan Fontaine a term contract today and assigned her to the lead in "Rebecca," is going ahead with the production which starts Thursday.

RKO, with most of its big productions in the final stages, has received no production instructions from George Schaefer, president, who is in New York.

Edward Small anticipates a general adjustment of budgets but has made no definite changes in his plans.

Most often mentioned in Hollywood speculation of the day was Charles Chaplin's proposed comedy, "The Dictators." A studio spokesman said rehearsals were to start Wednesday with shooting to begin in a few days.

Hollywood In Brief

HOLLYWOOD, Sept. 5.—SAMUEL GOLDWYN started production of "Raffles" on Friday last and stopped on Saturday when DAVID NIVEN, star of it, was notified by the British Government to hold himself in readiness for a call to arms. This was the first influence on Hollywood operations directly and tangibly due to overseas circumstances, first interference computable in dollars-and-cents costs. "Raffles" will be resumed when a substitute for Niven is obtained. It was by no means the first reshaping of plans in general, BEN JUDELL, for instance, moving release date of his "Hitler—the Beast of Berlin" forward one week and expediting production to make the date.

Hollywood preparations for the long Labor Day weekend were in no sense the festive sort which commonly precede the holiday. Smack in the middle of the three-day respite was the meeting of the Screen Actors Guild called for Sunday night. Out of that and Monday night developments in New York could come, it was believed, trade troubles enough to take the joy out of any party-ing that might have been contemplated or had.

Naturally, in view of all this, studios were less than usually productive of news pertinent to forthcoming product. There was, however, subject to change of course, the following:

CECIL B. DEMILLE has approved a screen treatment of "Northwest Mounted Police," which will be his 66th production, and steamed out to sea again on his yacht.

EDWARD CHURCHILL, WILLIAM LANDSBURG and RALPH RAVENSCROFT have been added to CLIFF LEWIS' advertising department at Paramount to handle special exploitation.

MONTAGU LOVE has gone into the cast of M-G-M's "Northwest Passage."

LOIS WILSON comes back to pictures in "Patsy," which was "Looking after Sandy," for M-G-M.

RUSSELL COLLER has joined Producers Pictures as casting director.

Warners have purchased from M-G-M the rights to the "Tugboat Annie" series of stories by NORMAN REILLY RAINES with purpose of filming a picture series supervised by BRYAN FOY.

RUTH GORDON, stage star, has arrived to make her film debut in RKO's "Abe Lincoln in Illinois."

COLE PORTER has written four songs for M-G-M's "Broadway Melody of 1940."

Fifty-three stars and featured players, 61 writers and 15 directors were under contract to Warners at week's end.

EDWARD ARNOLD has checked in at WALTER WANGER's for a part in "Send Another Coffin," which title is now referred to as tentative and probably will be changed.

Film Censor Rules Invoked by Britain

(*Continued from page* 1)

operating the censorship machinery. The compulsory censorship will be reserved for use only if the present system is found to be an insufficient safeguard.

All films for export, including sound track, records and the like will be subject to compulsory censorship. The B.B.F.C. will issue an additional security censorship certificate carrying the approval of the Ministry of Information.

Producers and exhibitors have been asked to submit all films to the B.B.F.C. for security certificates, and distributors have been requested to distribute only films already censored.

Jeff Kibre Resigns

HOLLYWOOD, Sept. 5.—Jeff Kibre, minority faction leader of the I.A.T.S.E. Studio Technicians Local 37, today resigned several hours before his scheduled trial by union members for alleged disloyalty to the Alliance.

Newsreel Parade

War in Europe and President Roosevelt's neutrality speech are vital news events included in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 103—War in Europe; activity in the countries involved. Roosevelt addresses nation.

NEWS OF THE DAY, No. 301—Germany, Poland, France and England in state of war. Roosevelt assures Americans of peace.

PARAMOUNT NEWS, No. 2—Resume of events in America in consequence of the European war, President Roosevelt's speech included. *Queen Mary* returns from Europe with many Americans. Canada in war preparation.

RKO PATHE NEWS, No. 14—Second world war begins. Americans return from abroad. Roosevelt speaks. Mrs. Roosevelt christens *S. S. America*. Australia wins Davis Cup.

UNIVERSAL NEWSREEL, No. 803—European war. Roosevelt's neutrality talk. *S. S. America* launched.

MPTOA May Cancel This Year's Parley

Inability of the I.T.O.A. of Northern California, an M.P.T.O.A. affiliate, to complete arrangements for the proposed national convention of M.P.T.O.A. at San Francisco next month is regarded in New York as virtually eliminating a national convention of the organization this year.

No other convention plan is under consideration and M.P.T.O.A. officials stated recently that in the event arrangements for holding the session in San Francisco could not be completed, a national meeting would be dispensed with this year but that a meeting of the M.P.T.O.A. board of directors might be held in New York.

Theatre Men Of All Canada To Convene

TORONTO, Sept. 5.—The first call has been issued by the Independent Theatres Association of Ontario, sponsoring the Anti-Protection League of Canada, for the first All-Canada convention of independent exhibitors, scheduled for Thursday at the King Edward Hotel here.

The convention is expected to reaffirm the purposes of the league in demanding a general reorganization of clearance schedules and priority rights as they affect independent theatres of the Dominion and to take steps for a campaign to obtain a permanent neutral council with the authority to pass on individual protection grievances.

The central committee of the league, of which J. O. Scott of Weston, Ont., is temporary chairman, has issued a statement which concedes that releasing priority is necessary but exception is taken to clearance schedules now in effect as well as current priority arrangements which are regarded as "arbitrary and unreasonable." Scott has intimated that a demand will be made for "a truly representative national board to hear appeals from local boards and to have original jurisdiction in matters of general importance."

Presiding at the national convention will be N. A. Taylor of Toronto, general manager of 20th Century Theatres, manager of the Exhibitors Booking Association and vice-president of the Independent Theatres Association of Ontario.

Labor Day Grosses Jump on Broadway

(*Continued from page* 1)

for more than four weeks since 1933, "The Old Maid" will go six weeks there. In its first three weeks, the picture drew an estimated $146,000, and over the weekend took an estimated $28,000 additional.

At the Roxy, "The Adventures of Sherlock Holmes" grossed an estimated $25,000 for the weekend. "The Wizard of Oz" at the Capitol appears to be headed for a $40,000 week for its third stanza. "Fifth Avenue Girl" is likely to top the $100,000 mark for the second week, after drawing an estimated $80,000 for the first five days of the second week.

"Angels Wash Their Faces" drew an estimated $5,000 Sunday and Monday at the Globe. "Coast Guard" grossed an estimated $6,700 for its week there. "The Under-Pup" took an estimated $3,000 on opening day at the Rivoli. In its 16th week at the Astor, "Goodbye, Mr. Chips" attracted an estimated $11,100, which was better than the previous week.

Operators' Wage Talks

CHICAGO, Sept. 5.—Operators' union negotiations for a new contract with a 10 per cent increase plus a five per cent restoration of a voluntary cut in wages will be resumed here tomorrow. The contract expired Aug. 31.

COLUMBIA ANNOUNCES SINCLAIR LEWIS' "ANGELA IS TWENTY-TWO"

The fascinating play from the pen of America's Nobel Prize-winning author, who gave you **"DODSWORTH," "ARROWSMITH," "BABBITT" and "MAIN STREET"**

COLUMBIA PICTURES

'Oz' Grosses Good $15,000 In Twin Cities

MINNEAPOLIS, Sept. 5.—"Elsa Maxwell's Hotel for Women" and Paul Whiteman, concluding a week's engagement at the Orpheum, and "Coast Guard" showing for four days gave this theatre $12,000. "The Wizard of Oz" did a fine $9,000 at the State.

In St. Paul, best business getter was "The Wizard of Oz" at the Paramount, drawing $6,000.

Estimated takings for the week ending Aug. 30:

Minneapolis:

"The Hobby Family" (W. B.)
"The Man They Could Not Hang" (Col.)
"The Forgotten Woman" (Univ.)
"A Woman Is the Judge" (Col.)
ASTER—(900) (15c-25c) 7 days. Gross: $1,800. (Average, $1,500)

"Stanley and Livingstone" (20th-Fox)
CENTURY—(1,600) (25c-40c) 7 days. 2nd week. Gross: $4,600. (Average, $4,000)

"These Glamour Girls" (M-G-M)
GOPHER—(990) (25c) 7 days. Gross: $3,000. (Average, $2,500)

"Should Husbands Work?" (Rep.)
MINNESOTA—(4,200) (15c-30c) 7 days with stage show. Gross: $5,000. (Average, $6,000)

"Hotel for Women" (20th-Fox)
"Coast Guard" (Col.)
ORPHEUM—(2,900) (35c-55c) "Women" and Paul Whiteman, 3 days, $10,000. (25c-40c) "Coast Guard," 4 days, $2,000. (Average, without stage show, $4,800)

"The Wizard of Oz" (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: $9,000. (Average, $4,400)

"The Mikado" (Univ.)
"Four Feathers" (U. A.)
WORLD—(400) (25c-55c) "Mikado," 5 days, 4th week, "Feathers," two days. Gross: $2,000. (Average, $1,600)

St. Paul:

"Our Leading Citizen" (Para.)
"Each Dawn I Die" (W. B.)
ORPHEUM—(2,000) (25c-40c) "Citizen," four days, "Dawn," three days. Gross: $3,200. (Average, $3,200)

"The Wizard of Oz" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $6,000. (Average, $4,000)

"Stanley and Livingstone" (20th-Fox)
RIVIERA—(1,000) (25c-40c) 7 days after week at Paramount. Gross: $2,500. (Average, $1,500)

"Hell's Kitchen" (W. B.)
"The Saint in London" (RKO)
TOWER—(1,000) (25c) 7 days. Gross: $1,500. (Average, $1,500)

"The Mikado" (Univ.)
WORLD—(400) (25c-55c) 6 days, 3rd week. Gross: $900. (Average, $700)

'Feathers' Scores $16,800 in Capital

WASHINGTON, Sept. 5.—Glenn Miller and his band helped "Winter Carnival" in providing Loew's Capitol with an excellent $20,500 gross. "Four Feathers" scored heavily with $16,800 at Loew's Palace.

Estimated takings for the week ending Aug. 31:

"Winter Carnival" (U. A.)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days. Stage: Glen Miller & orch. Gross: $20,500. (Average, $16,500)

"Hotel for Women" (20th-Fox)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 2nd run. Gross: $3,400. Average, $4,500)

"Four Feathers" (U. A.)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $16,800. (Average, $12,000)

"When Tomorrow Comes" (Univ.)
RKO-KEITH'S (1,836) (25c-55c) 7 days, 2nd week. Gross: $6,200. (Average, $6,000)

"The Old Maid" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days, 2nd week. Stage: Rollini Trio and others. Gross: $14,000. (Average, $16,000)

"Coast Guard" (Col.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days. Gross: $4,200. (Average, $4,000)

Feature Reviews

"Everything's on Ice"

(RKO-Sol Lesser)

HOLLYWOOD, Sept. 5.—Duly acknowledging the contributions made to "Everything's on Ice" by the writers, director, musical composers, technical specialists and supporting actors, it must be said that tiny Irene Dare is the star of this Sol Lesser production and thus the focal objective of public attention and exploitation endeavor.

An ice skating phenomenon in every one of her 46 inches, Miss Dare is given several opportunities to demonstrate her expertness in tuneful and picturesque settings. The preview audience recognized her ability each time she completed a number.

The sustaining screen story, devised by Adrian Landis and Sherman Lowe, complemented by musical numbers composed by Victor Young, Paul Webster, Milton Drake and Frank Stryker, is a combination of farce comedy and romance. It has to do with the antics of airy-minded Roscoe Karn, who delights in spending other people's money in fostering the career of Miss Dare, meanwhile trying to promote a rich marriage for elder sister Lynne Roberts. The "millionaire," George Meeker, upon whom he concentrates, turns out to be a charlatan, but when it develops that "goof" Eric Linden is a veritable moneybag who would spend any amount to insure his and Miss Roberts' romantic future, father Edgar Kennedy is saved from ruin.

Competently produced by Lesser so that every dollar invested is reflected on the screen, Erle C. Kenton's direction of story material, production effects and star and supporting players establishes the picture as satisfactory family entertainment.

Running time, 65 minutes. "G."* G. McC.

**"G" denotes general classification.*

"Riders of the Frontier"

(Monogram)

HOLLYWOOD, Sept. 5.—A western with three songs, "Riders of the Frontier" is a bit of a letdown for the Tex Ritter average, due principally to dilatory story development and an over-stretching of plausibility toward the finish. This is the more regrettable because the film contains a cattle stampede and some mountain fighting of better than common kind. Possibly the juvenile trade will not care too much about weaknesses unlikely to escape adults' notice.

The original screenplay by Jesse Duffy and Joseph Levering, directed by Spencer Gordon Bennett, has to do with the usual villainous foreman's attempt to steal his employer's live stock and, ultimately, by poisoning the aged rancheress, the premises. Ritter puts over the usual masquerade as a bad man joining the outfit and again brings the genuine bad men to justice. Meanwhile he finds spots for three songs, one shared with Mantan Moreland, the colored comedian lately figuring divertingly in Monogram pictures. Marin Sais is briefly in the film for an inconsequential romantic touch.

Running time, 59 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

"Heartbeat"

(French Motion Picture Corp.)

"Heartbeat" is a tale of a young peasant girl who is seduced by a fellow from the big city, Marseilles, and who returns home with her son to an angry father. Its strength lies not in the story but in the characterizations portrayed.

Outstanding is the work of Fernandel, who plays the role of the simple-minded but good hearted farm laborer who helps Orane Demazis out of her difficulties. Henri Poupon, as the stern father; Toinon, as the fond and forgiving mother, and Edouard Delmont, as a migratory farm laborer, perform with refreshing simplicity.

No effort is made to have the English subtitles offer a verbatim translation of the French dialogue, but the titles are sufficient to carry the story. Marcel Pagnol directed and wrote the screenplay from the novel, "Un de Baumugnes," by Jean Giono. By its nature the film has limited audience appeal, but it should please those who seek the unusual in character portrayals.

Running time, 90 minutes. "A."* ED GREIF

**"A" designates adult classification.*

Seattle Gives 'Wizard' Big $8,200 Lead

SEATTLE, Sept. 5.—"The Wizard of Oz" scored well, with $8,200 at the Fifth Avenue. "Stanley and Livingstone" and "Quick Millions" at the Paramount were good for $6,100. The weather was cool and rainy.

Estimated takings for the week ending Sept. 1:

"Bachelor Mother" (RKO)
"On Borrowed Time" (M-G-M)
BLUE MOUSE—(950) (25c-30c-40c-55c) 7 days, 3rd week. Gross: $3,400. (Average, $4,000)

"Wizard of Oz" (M-G-M)
FIFTH AVENUE—(2,500) (25c-30c-40c-55c) 7 days. Gross: $8,200. (Average, $7,000)

"The Eagle and the Hawk" (Para.)
"Five Little Peppers" (Col.)
LIBERTY — (1,800) (25c-30c-40c-55c) 7 days. Gross: $3,700. (Average, $5,000)

"Stolen Life" (Para.)
MUSIC BOX—(950) (25c-30c-40c-55c) 7 days. Gross: $3,200. (Average, $5,000)

"Our Leading Citizen" (Para.)
"Million Dollar Legs" (Para.)
ORPHEUM—(2,450) (25c-30c-40c) 7 days. Gross: $5,100. (Average, $6,000)

"You Can't Get Away with Murder" (W. B.)
"The Girl from Rio" (Mono.)
PALOMAR — (1,500) (15c-25c-30c-40c) 7 days. Vaudeville headed by Conway & Dale. Gross: $4,900. (Average, $5,000)

"Stanley and Livingstone" (20th-Fox)
"Quick Millions" (20th-Fox)
PARAMOUNT — (3,050) (25c-30c-40c) 7 days, 2nd week. Gross: $6,100. (Average, $6,000)

'Oz' Is Cleveland Winner at $6,000

CLEVELAND, Sept. 5. — "Wizard of Oz" at Loew's Stillman led the town with $6,000. "The Star Maker" at Loew's State drew $12,000.

Estimated takings for the week ending Aug. 30:

"Stanley and Livingstone" (20th-Fox)
ALLEN — (3,000) (30c-35c-42c) 7 days. Gross: $5,000. (Average, $4,000)

"When Tomorrow Comes" (Univ.)
WARNER'S HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $9,000. (Average, $11,000)

"The New Adventures of Sherlock Holmes" (20th-Fox)
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $5,000. (Average, $8,000)

"The Star Maker" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $12,000. (Average, $11,000)

"Wizard of Oz" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. Gross: $6,000. (Average, $4,000)

Ben Washer Takes New Post on Friday

Ben Washer winds up his tenure as press representative for Samuel Goldwyn on Friday. On Monday he assumes his new post at Donahue & Coe, advertising agency, in charge of the legitimate theatre advertising department of that firm. Washer is a former staff member and columnist of the *World-Telegram* and was advertising and publicity manager for George Abbott, Broadway producer, before joining Goldwyn this year.

Confer on Sales Drive

SPOKANE, Wash., Sept. 5.—Nine independent managers conferred with C. L. Theuerkauf, Seattle branch manager for Universal, on the details of the Universal exhibitor sales drive.

Revive Policy Of Vaudeville In 2 Big Cities

PITTSBURGH, Sept. 5.—Two weeks after Warners and the Harris Amusement Co. announced that stage shows would be a possibility only in the distant future, Harry Kalmine, general manager of the 68 Warner theatres in the Tri-State area, declared that the Stanley would resume a vaudeville-picture policy probably in the middle of September, and the Harris Senator started publicizing a three-day personal appearance of Jesse Lasky's "Gateway to Hollywood" auditions on the stage the last week in September.

Tentatively slated as an early Stanley attraction is Hal Kemp's band, kick-off on a name-orchestra schedule that proved profitable most weeks until the Stanley dropped stage entertainment in mid-Spring. Under the vaudeville plan, the Stanley takes second choice of first run pictures after Loew's Penn scans the release list, in accordance with a pooled booking arrangement. Since May, the Stanley has been playing top films equally with the Penn, without any stage draw.

Cleveland Revives Vaudeville on Friday

CLEVELAND, Sept. 5.—Vaudeville will come back to the RKO Palace this week with Artie Shaw ushering in the vaudeville season Friday. Division Manager Nat Holt has obtained four Hollywood and radio personalities for the Sept. 15 stage show, with Betty Grable heading the list.

RKO Stock Offer By Atlas Expires

(*Continued from page* 1)

surance that this would happen or even that a new offer would be made.

Atlas, it was learned, has given no formal notification of its present position in the matter to the Federal court, the company, the RKO reorganization trustee or other interested parties. The investment company, presumably, takes the position that the terms upon which its offer was made speak for themselves.

Presumably, the indefinite status of the underwriting will delay completion of the RKO reorganization unless future developments both in Europe and here justify reestablishment of the offer within a reasonable length of time.

The Circuit Court of Appeals yesterday denied the request of Ernest W. Stirn, minority RKO stockholder for rehearing of the appeal from the decision of Federal Judge Bondy confirming the RKO plan of reorganization.

Stirn's appeal was dismissed by the circuit court in July, with a ruling that he had been guilty of delay in prosecuting appeal. Special Master George W. Alger yesterday declared that hearings would not start this week on the fairness of the Atlas Corp. underwriting agreement on the issuance of RKO common stock. Alger indicated hearings may start next week.

Insider's Outlook

By SAM SHAIN

FASCINATING—moored alongside each other, at their respective piers on the North River, the *SS. Normandie* and the *SS. Queen Mary.*

PASSING through the east sixties—a hors d'ouvre shop which brings recollections of a conversation many months ago with Morris Helprin. Helprin had that idea a long time ago. He has lots of interesting ideas. Helprin is press representative for Alexander Korda and London Films, which is a pretty good idea, too. He's the sort of chap somebody with great business sense should incorporate.

AT Ralph's, on West 45th Street, following the recent actors' mass meeting which was held at the Hotel Astor—backstage farmerettes and hillbillies, fresh from the strawhat theatres mingling with Broadway theatre debutantes and juveniles and in a single voice, almost, surprised and not quite comprehending the unexpected result of the fight between the 4-A's and the I.A.T.S.E.

LUNCH at the Essex House—with Mr. and Mrs. Leo Spitz, who had just returned from a cruise on their yacht, the *SS. Caroline*—and the best scrambled eggs and sturgeon to be had anywhere. Mrs. Spitz, blonde, charming and magnetic.

DINNER at the Waldorf-Astoria—with George J. Schaefer, Mr. and Mrs. Fred Ehrman, W. G. Van Schmus, and some 200 guests of RKO, in honor of Anna Neagle and Herbert Wilcox and the picture, "Nurse Edith Cavell,"—Schaefer expressing a hesitancy about releasing the picture too soon. Leon Goldberg passes and expresses a similar viewpoint. The party, a huge success.

AT Sardi's, Monday night, with Ben Washer—war talk and Samuel Goldwyn. Washer may finally go to Baltimore to "look over" that boat he's been so set about.

ON Sixth Avenue near the R. C. Music Hall—Charles Curran, who recently returned from the coast to join the 20th Century-Fox advertising department—elated. Sherwill productions (Leo Williams) has bought his orginal, "Detective, First Class," for early production. Charles William collaborated with Curran on the yarn. Sherwill releases through Monogram.

HERMAN FINKELSTEIN (Schwartz and Frohlich) and Mrs. Finkelstein, back in town after an eventful cruise to Bermuda, before war in Europe had begun. They sailed on the *SS. Queen of Bermuda,* on Aug. 26, and that night the portholes on the ship were blackened out at 10:30 and in Bermuda when the ship docked workmen started to give her a new coat of gray. Returning on the *SS. Monarch* of Bermuda they were taken on a zig-zag course, with practically no news about events abroad all the way back.

L. & J., Paramount Continue Deal Talks

Negotiations for a renewal of the deal by which Lucas & Jenkins operate 38 theatres in Georgia and Alabama for Paramount were discontinued last weekend. Negotiations will be resumed either here or in Atlanta, possibly next week.

Arthur Lucas, head of the operating company, returned to Atlanta over the weekend. William Jenkins is remaining in New York for a few more days. The operating agreement has been continued in force since its expiration last July, pending the outcome of the renewal negotiations.

F. P. Canadian Dividend

TORONTO, Sept. 5.—Reports on business during the second quarter of 1939 received at a directors' meeting of Famous Players Canadian Corp., presided over by President N. L. Nathanson, resulted in the declaration of another dividend of 25 cents on each of the common shares, payable Sept. 30 to stockholders of record Sept. 15.

Noise Decision Reserved

MILFORD, Conn., Sept. 5.—Judge P. B. O'Sullivan has reserved decision in the case of 12 residents against the Milford Drive-In Theatre, seeking a permanent injunction because of noise.

Pianos, Cars, Cash

Denver, Sept. 5.—The Fox houses here, already giving away a Ford every Tuesday besides offering a baby grand piano to the first ticket, have added $200 to the offering. If not won it will be built each week. Ten of the 12 Fox houses here participate through phone hookup.

To Inspect Theatres

OSHKOSH, Wis., Sept. 5. — The Common Council has adopted an ordinance which provides for the appointment of an electrical inspector whose duties include the inspection of wiring and electric installations of all film houses at least once every three months. Under the measure, theatres would be required to make necessary repairs or changes as stipulated by the inspector within 15 days after notice.

Schlom Quits Republic

HOLLYWOOD, Sept. 5. — Herman Schlom, associate producer at Republic for the last three years, today asked for and received his release from contract and will leave the lot. Inability to get together on satisfactory terms was given as the reason for Schlom's departure.

IA Studio Pact Hinges Upon NLRB Ballot

Re-entry of the I.A.T.S.E. into the five-year basic agreement of the international unions with Hollywood studios is expected in the event the I.A. wins the Sept. 21 National Labor Relations Board election by being certified the Hollywood bargaining agent for studio technicians, it was disclosed here officially yesterday.

The I.A.'s application for re-entry probably would be made in time for consideration and action by the next meeting of the internationals' representatives with company heads here, which will be held in October. In this event, the new I.A. five-year agreement would date from that time. Five-year agreements with other internationals do not expire until 1941. The I.A. withdrew from the basic pact last Spring.

The other internationals which are parties to the agreement are the American Federation of Musicians, the Brotherhood of Teamsters and Chauffeurs, the Brotherhood of Electrical Workers and the Brotherhood of Carpenters and Joiners.

Questions By U. S. Delay Trust Trial

The Government's demand for answers to 68 questions from all of the corporate defendants in the New York anti-trust suit, which was filed in U.S. District court here last week, may make the start of trial of the suit before the first of next year a physical impossibility, regardless of the pending Federal court action on the Government's application for a preferred place for the case on the trial calendar, industry attorneys indicated yesterday.

Some companies, it is believed, will contest the Government's right to some of the information sought and others will question the propriety and relevancy of other parts of the interrogations.

Both procedures will be time-consuming and, attorneys assert, a month or more may be required to obtain the information sought by the Government and prepare it for submission. In their opinion, this would definitely prevent start of trial by Nov. 1, now only eight weeks away.

The questions cover the history and financial structure of the industry and specific activities of the defendants in production, distribution and exhibition during the past three releasing seasons.

Murphy Too Busy; Banquet Postponed

HOLLYWOOD, Sept. 5.—The Motion Picture Democratic Committee today announced postponement of Thursday's banquet at which U. S. Attorney General Frank Murphy was to have awarded a scroll to the producer of the film "judged to have made the greatest contribution to the ideals of democracy." Word came from Washington that Murphy would be unable to attend at this time. He requested a week's postponement.

Biggest Year For Football On Air Seen

For the fourth successive year, the Atlantic Refining Co. will sponsor play-by-play broadcasts of major college football games. The new schedule, now being completed, will set a record for the number of games to be broadcast, the number of colleges whose home schedules will be covered, and the number of radio stations which will broadcast the games.

All told, 191 games will be broadcast over 74 stations. The program includes the home schedules of 27 colleges located along the Atlantic Coast from Massachusetts to Florida and as far west as Ohio. Counting the opponents of the colleges, the program includes games to be participated in by 108 colleges.

Among the highlights of the schedule are the Penn-Navy and Penn-Cornell games, the Pittsburgh-Carnegie Tech game; the Duke-North Carolina contest; the Florida-Georgia Tech and California-Georgia Tech games; and the Boston College-Holy Cross contest, and the Army-Yale game, which will be broadcast over a 26-station network.

Chicago Finds New Television System

CHICAGO, Sept. 5.—A new television system described by its inventors as removing the limitations of the cathode ray method, has been demonstrated here by W. G. MacCarthy and H. J. McCreary of the Chicago Television and Research Laboratories.

The inventors state their device will provide reception at great distances and will project images on theatre-size screens. Present television reception is limited to a 50-mile radius of the transmission source. The new system has added value in that it does not require performers to work under the searing hot lights required of present television.

The new method is based on development of a tube called the photomocell, an electrical optical device employing polarized light.

Playwrights Lose Plagiarism Appeal

The application of Edward Shelton and Margaret Ayer Barnes for reargument of the appeal to the Circuit Court of Appeals was denied by the court yesterday. Shelton and Miss Barnes sought to set aside the decision of the court, cutting an award of $532,000 against M-G-M to about one-fifth that amount, and holding that the defendants should not be compelled to pay over the entire net profits of the film "Letty Lynton," which was declared a plagiarism of a play of the plaintiffs.

New Television Firm

Radio Electronic Television Corp., a new company, has just been chartered in Delaware. The company is already manufacturing receiving sets, cathode ray tubes and other parts for television receivers, and shortly will build its own transmitter in the Metropolitan area.

BANNER RADIO LINES

By JACK BANNER

WAR INERTIA has gripped the networks. From now on—unless, of course, the news is of startling importance—the frequent interruptions of regular programs to interject news of the conflict will be sharply curtailed. For the most part the news will be held up for the regular news periods. Trans-Atlantic broadcasts will be continued, but not with the frequency of the immediate past. Of course regular schedules will go by the board if the news from Europe is momentous.

The networks could not be expected to hold the pace of the past fortnight. Not only would the financial and human drain be too much, but the news for the main part is now of a repetitious or a non-decisive character. "Hot" news, however, will be flashed immediately.

THE FATE AWAITING German language programs may be foreseen in the action of WHOM, which has just cancelled a five-year-old program of German music, substituting a program of Polish music. Managers of the foreign language stations in and about New York inform us that they expect wholesale cancellations of sponsored recorded programs made in the German tongue.

ANOTHER WAR IS BEING WAGED in Tin Pan Alley as publishing houses vie for the cash awards awaiting the first catchy war tune. Titles of these forthcoming martial tunes are as closely guarded as tactical battle secrets.

WNEW HAS JUST ORDERED its news analysts off the air and henceforth the station will hold itself to a policy of broadcasting the news, free of any commentaries. To insure a more rounded news coverage than it has had heretofore, WNEW has placed an order for Associated Press news to supplement International News Service, its only news medium to date.

STATIONS HAVE PROVIDED their news commentators and analysts with Polish-English dictionaries to guide them in pronouncing such words as "Czenstockow," "Graudenz," "Przashysz," "Poznan-Lawica," "Skarzysko-Kamienna."

MORE THEN EVER NOW, the Latin Americas are appreciative of the censor-free, propaganda-free news that our short-wave stations afford them. From the acting governor of Puerto Rico, to NBC, has just come a cable, congratulating the network on its "splendid service." The cablegram was signed by Governor Colon; Dr. Jose M. Gallardo, Commissioner of Education; Juan B. Huyke, president of the Civil Service Commission; Juan B. Soto, Chancellor of the University of Puerto Rico; and by a number of other high-ranking citizens of that country.

ONE AMUSING INCIDENT occurred in connection with the extension of the broadcast schedule for war news. Arthur Deter, a Portuguese-language announcer for NBC's short-wave station, once signed a note for a fellow student while studying medicine in a Brazilian university. Although Deter broadcasts under the name of Fernanda De Sa, the holder of the note recognized his voice over the air and notified Deter it had never been paid. Deter has just cabled $130.

FCC Schedule of Hearings

WASHINGTON, Sept. 5.—Construction permits for two new broadcasting stations have been asked of the Federal Communications Commission by the Port Broadcasting Co., planning a 710-kilocycle, 5,000-watt station at Houston, Tex., and the L. & M. Broadcasting Co., seeking a 1,210-kilocycle, 250-watt station at Ottumwa, Ia.

Other requests filed with the commission included the applications of Stations KGDM, Stockton, Cal., for change of frequency from 1,100 to 1,530 kilocycles and extension of time from day to unlimited; KFJZ, Fort Worth, for increase of power from 1,000 to 5,000 watts; WBTH, Williamson, W. Va., for extension of time from day to unlimited and increase of power from 100 to 250 watts, and WWRL, Woodside, N. Y.; WSAY, Rochester, N. Y.; WJIM, Lansing, Mich; WJW, Akron, O.; WOC, Davenport, Ia., and WDAN, Danville, Ill., for increase of night power from 100 to 250 watts.

The commission announced the tentative assignments of Oct. 11 for hearings on the applications of Presque Isle Broadcasting Co. for a new 1,500-kilocycle station at Erie, Pa., with 100 watts night, 250 watts day, and Station WNBX, Springfield, Vt.; for authority to move to Keene, N. H., and Oct. 25 for hearings on the applications of Stations WJBW, New Orleans, for extension of time from specified hours to unlimited, and WABI, Bangor Me., for change of frequency from 1,200 to 560 kilocycles and increase of power from 100 watts night, 250 watts day to 1,000 watts.

Other hearing assignments:

Sept. 7: Applications of the Saginaw Broadcasting Co. for a 1,200-kilocycle station at Saginaw, Mich., with 100 watts night, 250 watts day, and Harold F. Gross and Edmund C. Shields for a 950-kilocycle, 500-watt daytime station at Saginaw, Mich.

Sept. 8: Application of Clarence H. Frey and Robert O. Greever for a 1,200-Kilocycle, 100-watt daytime station at Logan, W. Va.

Stricter Guard On Broadcasts In U.S., Canada

WASHINGTON, Sept. 5.—Orders by the United States government designed to make effective our neutrality may possibly include a call upon broadcasters to avoid all programs partial in any way to any of the belligerent nations.

Such programs will include not only addresses by individual speakers or news commentators, but any other type of presentation of a war or international nature.

Officials of the F.C.C., War, Navy and other departments have been in conference during the past few weeks for the purpose of developing a program for control of broadcasting, in connection with the Administration's plan for cushioning the effects of the European war upon American economy. It is not anticipated that any thought will be given to the restriction of reception of short-wave programs from abroad.

Broadcasts In Canada Now on Wartime Basis

MONTREAL, Sept. 5.—Radio in Canada has gone on a wartime basis, with an announcement by Canadian Broadcasting Corp. that all radio bulletins and commentaries on the European situation originating in the United States were to be routed through its Toronto studios instead of piped direct to Montreal and other centers.

One foreign broadcast received by a local private station from an American network was interrupted the other evening with an announcement, "We regret we are not authorized to carry this program."

Independent stations in the Dominion have been informed by CBC that if they pick up any commentators on American networks they must first submit the name of the broadcaster and the nature of his subject to CBC. This is in effect a complete ban because there is no way of prophesying what commentators like NBC's Baukhage and CBS' Kaltenborn will say.

Legion Approves 13 Of 14 New Pictures

National Legion of Decency for the current week has approved 13 of 14 new pictures reviewed, 10 for general patronage and three for adults, and classed one as objectionable in part. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"The Angels Wash Their Faces," "Death Rides the Range," "Fighting Gringo," "Flight at Midnight," "In Old Monterey," "Nancy Drew and the Hidden Staircase," "Oklahoma Frontier," "The Perpetual Sacrifice," "The Television Spy," "The Under-Pup." Class A-2, Unobjectionable for Adults—"Blackmail," "Dust Be My Destiny," "The Witness Vanishes." Class B, Objectionable in Part—"The Women."

Stars in Lux Theatre

Claudette Colbert and Cary Grant will be starred in "The Awful Truth" in the first of the new season's Lux "Radio Theatre" broadcasts, returning to CBS Sept. 11.

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 47 NEW YORK, THURSDAY, SEPTEMBER 7, 1939 TEN CENTS

Stockholders Of Columbia Elect Sept. 20

Action on Cohn Contracts Also Scheduled

Columbia Pictures will hold the annual stockholders' meeting at the home office on Sept. 20 at 2 P. M., preceded by one hour by a special meeting of the voting trust certificate holders, who are Harry Cohn, Jack Cohn and A. H. Giannini.

The stockholders' meeting will take action on the election of seven directors for the ensuing year; approval of the extension of employment contracts for Harry and Jack Cohn for three years from July 1, 1939; approval of the issuance to Samuel J. Briskin an additional option for 2,500 shares of common stock; approval of the absorption into the company of Columbia Pictures Corp. of California, Ltd., and Columbia Pictures Distributing Corp., a Delaware corporation.

According to the proxy statement, Harry Cohn, as president, for the fiscal year to July 1, 1939, received a total remuneration of $201,420, including a weekly general expense allowance of $300. Jack Cohn, as vice-president, for the same fiscal year, received total remuneration of $116,720, including a weekly general expense allowance of $200.

Seek Bioff's Return In Hollywood Post

HOLLYWOOD, Sept. 6.—A movement to return William Bioff to Hollywood as regional director of I.A.T.S.E. got underway today following the mailing of a letter to the former personal representative of George E. Browne by the executive board of International Photographers Local 659 asking his aid in negotiations with producers.

Other locals of the Alliance are expected to take similar action.

Bioff has been inactive for about a year following his resignation. Last week he managed to bring about a settlement of the dispute between the IA and 4-A.

Officers of the Photographers Local declared they believe that Bioff can be highly instrumental in settling the jurisdictional dispute between it and the American Society of Cinematographers and obtain a satisfactory contract with the studios.

N. J. Allied Debates On Single Features And War Situation

ATLANTIC CITY, Sept. 6.—The possibility of abandoning double features and establishing a policy of single features by agreement of exhibitors in New Jersey will be investigated by the Allied Theatres of New Jersey.

Action was taken today as the 20th annual convention of the N. J. Allied unit opened here with approximately 75 delegates present. George Gold, Newark exhibitor, is presiding.

The double feature problem was discussed at considerable length with many exhibitors voicing their opinions. Polls at various theatres reveal that the public favors two feature films by a 3 to 1 vote, it was said.

Col. H. A. Cole, national Allied president, injected himself into the discussion by saying:

"My experience has taught me that the public will always accept a banquet at the price of a ham sandwich when a banquet is offered."

Colonel Cole said more important matters than the dual feature problem need to be cleared up first. He added that a single feature policy will be possible only if monopoly in exhibition is broken.

Sidney Samuelson, national Allied director and president of the Eastern Pennsylvania Allied unit, concurred with Cole's remarks.

Samuelson also summarized the effect of the European war upon the

(Continued on page 2)

TRADE LOSES WAR JITTERS; OUTLOOK GROWS OPTIMISTIC

A generally more optimistic attitude toward the industry's outlook for the immediate future in the face of any protracted European war was apparent in home offices yesterday in direct contrast to the apprehension which prevailed all day Tuesday.

More specific information from England, indicating that the closing of theatres there will be neither prolonged nor general, coupled with brighter trade prospects at home and in untroubled world centers, did much to offset the first jittery reaction of the trade to the outbreak of hostilities abroad.

Whereas only a handful of industry officials believed on Tuesday that the industry could avoid making drastic reductions in production expenditures and operating personnel to offset what was feared would be a total loss of British and French revenue, amounting to 20 to 30 per cent of total foreign business, yesterday found a majority of company executives sharing their view.

Film Stocks Recover

Action of the New York stock market played its part in the change of attitude. The increased values of industrials and commodities spelled to many industry executives boosted purchasing power for many sections of the country.

Where film securities lost ground to the general list on Tuesday, the shares of virtually all leading companies showed healthy recoveries yesterday, reflecting the renewed confidence of the industry itself in its immediate future.

Talk of drastically revised production schedules and budgets all but disappeared. Many companies stated definitely that no cuts would be made and that all release schedules would be met.

A general belief was that the in-

(Continued on page 7)

Canada Gets War Censor for Films

TORONTO, Sept. 6.—The Canadian Government has appointed Walter S. Thompson as chief censor at Ottawa, invoking the War Measures Act of 1914, which remained on the statute books.

L. Clare Moyer of the Senate staff has been named motion picture censor with jurisdiction over the regular provincial censor boards. Commander C. P. Edwards, as chief of air services, is the radio censor.

Under provisions of the act, the chief censor has wide powers, with direct jurisdiction over all forms of

(Continued on page 11)

Industry Officials, Stars Rush Home to Escape War

American "refugees" stranded in Europe are hurrying home on all available boats.

H. J. Yates, president of Consolidated Film Industries, accompanied by Mrs. Yates and relatives, and Mr. and Mrs. Gene Autry arrive today on the *Manhattan*.



H. J. Yates

Autry was completing a personal appearance tour in the British Isles when the party was advised by the U.S. Embassy in London to leave for home immediately. The balance of Autry's tour was canceled. His two horses arrived here Monday.

Concerned about her family in France, Annabella, 20th Century-Fox player, left on the *Clipper* yesterday to persuade them to come to America. Annabella arrived last Friday on the *Clipper* with her husband, Tyrone Power, after a honeymoon in Europe. Production requirements made it necessary for Power to leave for the coast yesterday.

Due on the *Manhattan* today are Norma Shearer, Grace Moore and Elsa Maxwell, from a holiday in France.

Art Schmidt of Loew's publicity department is worried about his wife, Vella, who is marooned in Paris. She hopes to leave on the *Washington*, the next American boat from Europe, scheduled to sail Sept. 11. A

(Continued on page 2)

Film Stocks, Bonds Rise After Losses

Film stocks and bonds showed mixed gains and losses yesterday with the general tendency upward. A number of the securities regained the losses suffered on Tuesday.

Warner issues showed a complete recovery with the common regaining the ¼ point loss to close at 4, the preferred regained 3 points to close at 45, and Warner 6's '48 up 1 to close at 83 against a ¾ point loss on Tuesday.

Paramount common regained a ⅜ point loss to close at 7¼, but 1st pre-

(Continued on page 2)

Film Stocks, Bonds Show Recoveries

(*Continued from page* 1)

ferred dropped again, off ⅞ to 76⅛, and 2nd preferred, off ⅛ to 8¼. Paramount '55 again closed at 50. Loew's common recovered 1¼ points of its 2⅞ loss to close at 33⅜, and Loew's debentures 3½'s, '46 rose 1½ to 96.

Other stock prices were:

American Seating, 9¾, up ¼. Columbia, 7¼, up ¼. Columbia preferred, 16, off 3⅞. Consolidated Film, 1, unchanged. Consolidated preferred, 8½, up ¼. General Theatre, 9½, up 1. Pathe Film, 9⅜, up ⅞. RKO, 1½, unchanged. 20th Century-Fox, 14, up ⅜; Twentieth-Fox preferred, 23⅛, off ¾. Universal preferred, 54, off 3. Monogram, 1¼, up ⅛. Sonotone, 1⅜, unchanged. Technicolor, 11⅛, up ⅝. Trans-Lux, 1½, unchanged. Universal Corp., 2⅝, off ⅜. B. F. Keith 6's, 101, up 1½.

Trade Officials Flee Home from Europe

(*Continued from page* 1)

son of the Schmidts arrived a few days ago from France.

Another stranded New Yorker is Mrs. Columbia Sileo, wife of Jimmy Sileo, the photographer. She was in Spain gathering material for a book on the Spanish Civil War.

Paramount has received no word from Stanton Griffis, chairman of the executive committee, who was last reported in France with his bride, the former Whitney Bourne.

LOS ANGELES BOUND?

ONLY OVERNIGHT



VIA TWA!

FARE $149.95

Sleep your way to Los Angeles—on TWA's "Sky Chief" — fastest air service coast-to-coast. Leave 5:30 any afternoon — arrive 7:13 next morning!

TO SAN FRANCISCO—*via Los Angeles or Boulder Dam!* 120-day stopover privileges, anywhere en route, at no extra fare $149.95

KANSAS CITY—New Daily afternoon service—leave at 1.00 p.m.—arrive in Kansas City at 8:15 p.m. $66.45

10% Discount on Round Trips!

Schedules Shown are Standard Time

Phone Travel Agent or MU 6-1640
Transcontinental & Western Air Inc
70 E. 42nd St.—Air Desk, Penn. Station

TWA

SHORTEST, FASTEST COAST-TO-COAST

Purely Personal

SHERWIN A. KANE of the editorial staff of MOTION PICTURE DAILY, is the father of a second son, born to MRS. KANE at Lenox Hill Hospital early yesterday morning.

•

RALPH POUCHER, JAMES MULVEY, SAM SHAIN, HARRY GOLD, BUD ROGERS, ERICH POMMER, JOSEPH MOSKOWITZ, JOSEPH PINCUS, ARTHUR LEE, MURRAY SILVERSTONE, at BOB GOLDSTEIN'S Tavern for lunch yesterday. Also W. RAY JOHNSTON, HAL HORNE, S. BARRET MCCORMICK, EDWARD A. GOLDEN, WILLIAM FITELSON, and M. A. SCHLESINGER.

•

ALFRED LUNT and LYNN FONTANNE, Theatre Guild stars, return to New York today after a Summer vacation at their home in Genesee Depot, Wis. They will start a short road tour of "Taming of the Shrew" Oct. 2.

•

WILLIAM F. RODGERS, CHARLES E. MCCARTHY, HARRY BRAND, MAX A. COHEN, WILLIAM SCULLY, JOSEPH UNGER, EDWARD SAUNDERS lunching at Nick's Hunting Room in the Astor yesterday.

•

STUART HEISLER, director of Paramount's "The Biscuit Eater," and Producer JACK MOSS have arrived in Atlanta to prepare technical material and study location sites.

•

WILLIAM PEREIRA, nationally known architect, has been engaged as chief architect on Paramount's new Coast studio project.

•

SALLY EILERS and her husband, HARRY JOE BROWN, are staying in town for a few days before returning to the Coast.

•

MR. and MRS. PERCY E. ELKELES have returned to New York after spending the Summer at Lake Luzerne.

•

DAN DOHERTY, associate editor of Movietone News, returns Monday from a two-week vacation.

Projectionist Day Set at Fair Today

Today is "Projectionist Day" at the World's Fair. A large turnout of projectionists and motion picture engineers will hear addresses by leaders and pioneers in the field and see films tracing the development of the industry.

The formal program will take place from 11 A. M. to 1 P. M. at the Little Theatre in the Special Events Building. Addresses are scheduled by George E. Browne, president, I.A.T.S.E.; Edward J. Flynn, U. S. Commissioner to the World's Fair; Nate Golden, U. S. Department of Commerce; E. A. Williford, president, S.M.P.E.; Earle Hines, president, International Projector Corp., and others.

For Lunch, Dinner or Supper
LaHIFF'S TAVERN
The Industry's
MEETING and EATING PLACE
156 W. 48th St. Tel. CHickering 4-4200

NATE J. BLUMBERG is expected in New York tomorrow from the Coast, where he spent the Summer. CHARLES D. PRUTZMAN, Universal vice-president, left the Coast yesterday and will arrive in New York tomorrow.

•

Y. FRANK FREEMAN, Paramount studio head, who postponed his return to Hollywood because of the European situation, may leave New York for the Coast tomorrow after home office conferences.

•

JOHN W. HICKS, Paramount foreign head, returning from an Australian visit via Hollywood, will arrive in New York tomorrow. ADOLPH ZUKOR remained in Hollywood after returning from Australia.

•

PAT CASEY, producers' labor representative, plans to remain in New York for a few weeks before returning to the Coast.

•

JOHN WEXLEY, Warner writer, has arrived in town from Bucks County, Pa., where he spent the Summer writing a novel.

•

DR. JOSEPH H. SHAIN has opened an office for the practice of medicine at South Norwalk, Conn.

•

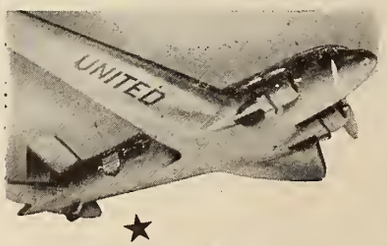
LUIS ENRIQUE PEREZ, Republic distributor in Venezuela, is in New York for business conferences.

•

ERNEST EMERLING of Loew's publicity department has returned from a visit to Dayton.

•

MARY SHANNON of Pathe News has returned from a vacation.



★

UNITED...
THE DISTINGUISHED WAY TO LOS ANGELES

Overnight to the coast. Luxurious Mainliner sleepers—the "Continental" leaving New York 5:45 pm, and the "Overland Flyer" leaving New York 9:45 pm. Finest meals aloft. Call travel agents, hotels, or

PHONE MU 2-7300 UNITED AIR LINES
58 East 42nd Street

Accept Code's Best Features, Majors Urged

Efforts to induce individual distribution companies to put basic trade practice concessions into effect are being made by Ed Kuykendall, M.P.T.O.A. president, during his current visit in New York.

"There are certain ordinary trade practices which every company can safely make a part of its film selling policy, and the M.P.T.O.A. will insist that this be done," Kuykendall said. "We would like to see every company do at least as much in this direction as was done by Warners recently."

Kuykendall conferred yesterday with W. F. Rodgers, M-G-M general sales manager, and the two plan to meet again tomorrow. Kuykendall declined to comment on the meetings, as did Rodgers, but it was apparent that they concerned either the recently declared Department of Justice attitude toward an industry trade practice code or possible individual trade practice concessions by M-G-M.

Rodgers would say only that he had "nothing new to report on the code" and would be obliged to so advise the I.T.O. of Southern California when it convenes in Los Angeles tomorrow.

With the M.P.T.O.A. abandoning its proposed national convention this year, Kuykendall is endeavoring to complete arrangements for a meeting of the organization's board of directors in late October either here or in a midwestern city.

N. J. Allied Debates Dual Features, War

(*Continued from page* 1)

film industry and drew a parallel with the World War. He pointed out that radio and modern communications today are a real threat to the boxoffice.

The eighth annual Eastern regional conference is scheduled tomorrow with at least 200 more exhibitors, exchange men and others attending.

Abram F. Myers, national Allied counsel, is not expected to attend. Colonel Cole will speak at the conference. H. M. Ritchey, public relations counsellor for RKO, also will be present.

MOTION PICTURE DAILY

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How Did YOU Make Out in 1938-39?

...ARE YOU PROUD OF THE ANSWER?

TAKE THE GUESS-W OUT OF 1939-40!

Here we go again!

Warners Ring In the New with

THE OLD MAID

First attraction in 10 months to go 4 weeks at the Strand, N.Y.–and hits a new house top! Stanley, Jersey City, equals full week of 'Dodge City' in 4 days–and another house top! Everyone of the 17 other engagements to date bigger than every Warner show since 'Robin Hood'!

PROOF ENOUGH?

BIG ENOUGH?

And the week after 'The Old Maid' you get

'DUST BE MY DESTINY'

Then right after it comes

'A CHILD IS BORN'

Then more! and more! and more!

ORK

This is your black & white guarantee that one company comes through!

That company is

WARNER BROS.

FOUR DAUGHTERS • THE SISTERS
VALLEY OF THE GIANTS • ANGELS
WITH DIRTY FACES • BROTHER RAT
DAWN PATROL • DEVIL'S ISLAND
THEY MADE ME A CRIMINAL • YES,
MY DARLING DAUGHTER • WINGS
OF THE NAVY • OKLAHOMA KID
DARK VICTORY • CONFESSIONS
OF A NAZI SPY • JUAREZ • DODGE
CITY • ANGELS WASH THEIR FACES
HELL'S KITCHEN • DAUGHTERS
COURAGEOUS • EACH DAWN I DIE

No Stops!

THE OLD MAID
(Bette Davis, Miriam Hopkins, George Brent, Donald Crisp)

ON YOUR TOES
(Zorina, Eddie Albert, Alan Hale, Frank McHugh, James Gleason. From the Rodgers and Hart stage hit)

PRIVATE LIVES OF ELIZABETH AND ESSEX
(Bette Davis, Errol Flynn, Olivia de Havilland, Donald Crisp, Alan Hale, Vincent Price. In Technicolor.)

THE ROARING TWENTIES
(James Cagney, Priscilla Lane, Humphrey Bogart, Gladys George, Jeffrey Lynn. Story by Mark Hellinger)

THE SEA HAWK
(Errol Flynn, Olivia de Havilland, Alan Hale)

DUST BE MY DESTINY
(John Garfield, Priscilla Lane, Alan Hale)

THE FIGHTING 69TH
(James Cagney, Pat O'Brien, George Brent Wayne Morris)

A CHILD IS BORN
(Geraldine Fitzgerald, Jeffrey Lynn, Gladys George, Gale Page, Spring Byington)

THE CITY OF LOST MEN
(John Garfield, Ann Sheridan, Pat O'Brien, Burgess Meredith)

THE STORY OF DR. EHRLICH
(Edward G. Robinson)

Keep On Your Toes – watch them keep rolling along →

ESPIONAGE AGENT

(Joel McCrea, Brenda Marshall, Jeffrey Lynn, George Bancroft)

THE 'DEAD END' KIDS ON DRESS PARADE

AND IT ALL CAME TRUE

(James Stewart, Ann Sheridan, Humphrey Bogart)

BROTHER RAT AND A BABY

(By the authors of the sensational stage show. Eddie Albert, and the same great 'Brother Rat' cast.)

DEVOTION

(The lives of the immortal Bronte Sisters Written especially for the screen by James G. (Mr. Chips) Hilton. Bette Davis, Miriam Hopkins, Geraldine Fitzgerald)

PRIDE OF THE BLUEGRASS

(Starring the famous blind horse. This will be one of the most unique and most gripping dramas of Warner Bros'. entire career.)

THE STORY OF CAPTAIN HORATIO HORNBLOWER

(Based on the great novel!
Starring Errol Flynn and Geraldine Fitzgerald)

TWO SONS

(Starring John Garfield, Jeffrey Lynn, Priscilla Lane)

INVISIBLE STRIPES

(To star George Raft and William Holden)

THE SPIRIT OF KNUTE ROCKNE

With one of the biggest casts of all time, headed for the outstanding success in the history of Warner Bros.)

THE PATENT LEATHER KID

George Raft, Priscilla Lane)

FOUR WIVES

(With "The Four Daughters", Claude Rains, Jeffrey Lynn, May Robson, Dick Foran, Frank McHugh)

NEVADA

(Epic Technicolor follow-up to 'Dodge City.' Starring Errol Flynn and Olivia de Havilland)

DANGEROUS CURVES

(Ann Sheridan will display all the 'oomph' in the world in her first important starring vehicle!)

MARRIED, PRETTY AND POOR

(Ann Sheridan teamed with George Raft!)

BROTHER ORCHID

(From the great *Collier's* Story.
Starring Edw. G. Robinson, Olivia de Havilland)

UNDERGROUND

(To star John Garfield, George Brent, Geraldine Fitzgerald)

WE ARE NOT ALONE

(Paul Muni, Jane Bryan, Flora Robson.
By the author of 'Goodbye, Mr. Chips', James Hilton)

JACK L. WARNER In Charge of Production • **HAL B. WALLIS** Executive Producer

FOR ACTION!
FOR FAIR PLAY!
FOR DEPENDABILITY!


THE MERCHANDISING POLICY
FOR WARNER BROS. 1939-40 SEASON

1. We announced on March 14, 1939 that we would release 46 feature pictures, 104 short subjects and 46 trailers. We also stated that "Quality is not a Passing Fashion." Our production performance since this date and the pictures finished and available for release justify that statement and announcement.

2. An exhibitor who licenses all feature motion pictures offered shall have the right, if he be not in default, to eliminate proportionately among the several price brackets, 20% of the total number of features licensed, if the average of the license fees for all features shall not exceed $100, and 10% if such average is in excess of $100.

3. We confirm our policy of long standing of allowing an exhibitor to eliminate any feature which may be locally offensive on moral, religious or racial grounds.

4. We confirm our policy of long standing of allowing an exhibitor to eliminate any feature which may be locally offensive on moral, religious or racial grounds.

5. We will license a run designated by us of our features in any situation to any exhibitor of good reputation as a theatre operator and customer, whose theatre is in good condition and who operates under a policy which will not substantially reduce our revenue from any other run, provided such exhibitor and we can agree upon the number of features to be licensed, and other terms and conditions.

6. We confirm our policy of long standing and our intent to continue to license our pictures to our regular customers who prove to be satisfactory.

No exhibitor will be required to license short subjects, trailers or reissues as a condition of license made in connection with the licensing of any of our feature pictures.

...tomers, and for the mutual benefit of our customers ...exhibitions of pictures in order fairly to ...ure features to particular price ...exhibitors in those ...quality of each

Come on over to

WARNER BROS.

SEC Reports Film Officials' Stock Trades

WASHINGTON, Sept. 6.—Disposition of 4,300 shares of 20th Century-Fox preferred stock in July by Joseph M. Schenck, was reported today by the Securities and Exchange Commission in its semi-monthly summary of transactions of officers and directors in the securities of their corporations. As a result of the sales, Schenck held at the close of the month, 18,284 shares of the preferred, in addition to 108,943 shares of common.

The S.E.C. report showed that activities of film company officials in the stocks of their corporations were broader in July than for several months past, reports being received from eight companies.

Acquisition of 2,000 Universal Corp. common voting trust certificates was reported by Nathan J. Blumberg, bringing his holdings to 2,500, while William Freiday, director, reported the acquisition of 1,200 certificates, bringing his holdings to 1,200 direct and 1,500 held through a holding company, and Charles D. Prutzman reported the acquisition of 100 certificates, giving him a total of 400.

Another series of transactions running into a respectable total was reported by J. Robert Rubin, involving the sale of 1,600 shares of Loew's common stock and the disposition by gift of 60 shares, reducing his holdings to 31,415 shares.

A report for June filed by W. Ray Johnston, Monogram president, covered the disposition of 847 options for Monogram common, reducing his holdings to 5,350 options and 62,383 shares of common stock.

Disposition of five shares of Paramount common and acquisition of a similar block, through Lehman Brothers, was reported by John Hertz, Paramount director, leaving his holdings unchanged at 1,000 shares held direct and 100 shares through Lehman Brothers.

Reports on Pathe common stock showed the acquisition of two shares by Thomas P. Loach, bringing his holdings to 18 shares, and the disposition of 900 shares by Kenneth M. Young, reducing his interest to 400 shares.

Other transactions were the acquisition as compensation of 500 shares of Trans Lux common stock by Leslie E. Thompson, bringing his holdings to 4,000 shares, and the disposition in April, by exchange for new debentures, of 8,000 Warner Brothers debentures by Joseph Bernhard.

Reports on Columbia Broadcasting System showed the disposition of 2,000 shares of Class A stock by Jacob Paley, Los Angeles, director, reducing his holdings to 19,458 shares, and disposition of 120 shares in the same class by H. Bayard Swope, New York, director, reducing his holdings to 9,680 shares.

Repeat 'Nazi Spy'

PHILADELPHIA, Sept. 6.—Because of its timeliness, "Confessions of a Nazi Spy" is being shown here again by the Stanley-Warner Co. Warners plan to show it at the Savoy, beginning Monday, for an indefinite engagement.

Trade Losing Pessimism Over World Film Situation

(Continued from page 1)

dustry could well afford to continue at an unaltered pace for a 60-day period and that it would be definitely known within that time what, if any, operating changes would be necessary.

Many predicted that most British theatres would be reopened within two weeks, only those remaining closed which are not properly safeguarded against air raids.

Eye Latin America Market

Executive viewpoints on the effects of the war on film markets swung sharply from uncertainty to optimism. It was believed that the domestic, Canadian, Far Eastern and Latin American markets would be improved through the stimuli of war purchases and that eventually England and France, too, would return to normal amusement patronage.

Predictions were made that admissions would rise here and, possibly, in Canada, Australia and South America.

With German and French film supplies for Latin American markets shut off, it appeared to many to be a virtual certainty that American product would benefit there, as in England and France where domestic production is virtually at a standstill. Some foreign department executives believed that the ending of Italy's supply of German films may work to heal the breach between that market and Hollywood.

Past War Experience Recalled

All in all, it is believed that increased theatre receipts in open markets will more than offset initial losses attributable to the war.

Industry veterans recalled that the World War, after 1915, launched the American motion picture industry on its first important wave of prosperity. It established Hollywood product in world markets and supplied the revenues which made possible the creation of international distribution organizations.

It was during the World War that Arthur Kelly, United Artists' foreign manager, then a sales representative for Charles Chaplin, obtained the unheard of guarantee of $650,000 for British distribution rights to Chaplin's "Shoulder Arms." European theatre attendance, proportionately, outstripped American attendance during 1915 to 1918, with highly paid munition workers augmented by a constant stream of men on leave from military service constantly seeking entertainment.

Shipments Abroad Continue

Shipments are going forward to England on a few American and other neutral boats. Shipping to France, Switzerland, Germany, Jugoslavia, Rumania and other Balkan countries is in most cases impossible.

Warners are holding up shipments to all of Europe except England. Shipping to the Scandinavian countries has been suspended, but this is believed to be only temporary.

Executives believe that once theatres reopen, even on a limited scale, conditions will regain normal aspects. Their opinion is that the populace in the war countries will patronize film shows heavily as an antidote to depressed spirits and that, as in the World War, money will be freely circulated.

The experience in Spain and China bolsters that belief. Some of the companies' business in those countries reached new highs during the military conflicts, and film business in Japan, which is warring with China, is reported as very good.

On this basis, foreign department executives are showing optimism and declare that the war will act as a "stimulant" to theatre business in the belligerent countries.

Censorship Hides True Facts

Information from abroad is still meager, however, with censorship regulations preventing transmission of reports of actual conditions and the turmoil in business offices allowing for only sketchy cabled reports. Very little mail has been received here from England and France this week.

Restrictions on currency exports are expected to continue but it is said that England will permit taking out some foreign exchange in addition to that used in payment for supplies bought in this country.

British production by 20th Century-Fox for the new season was to have started upon the return to England of Robert T. Kane, the company's production chief in London. Kane arrived here before the outbreak of war. He left for the Coast yesterday to confer with Darryl F. Zanuck. His stay in America is, of course, indefinite.

Twentieth Century-Fox will release the full schedule of 52 features, executives said. "Uncensored," formerly titled "Scotland Yard," has been deferred because Jane Baxter and Edmund Gwenn, who were to play in the film are in England.

M-G-M reports no information regarding its British production, although the foreign department believes work will proceed as much as possible. Robert Montgomery and Maureen O'Sullivan are in London to start work in M-G-M's "Busman's Honeymoon," which Richard Thorpe, also from Hollywood, is to direct.

Members of the Motion Picture Producers Association are to meet in Hollywood Friday to discuss the effect of war developments abroad.

Studios in Britain Work Upon Curtailed Scale

LONDON, Sept. 6.—Despite the menace of Nazi bombing, nightly blackouts and depleted staffs, British production continues to show signs of limited activity.

The Denham Studios, currently housing the London Stock Exchange executives, also is the scene of the final production touches on Alexander Korda's "The Thief of Bagdad" and work on a semi-official Royal Air Force production.

Gainsborough Pictures, Gaumont British subsidiary, continues work on "The Band Wagon" at the Shepherd's Bush Studio, and Michael Balcon is making "David Goliath" at Ealing. With Mario Zampi reshooting certain war sequences of "Live and Let Live," David Rose, head of Paramount production in England, promises continuation of production for Paramount in this country.

Studios at Walton-on-Thames, Elstree and Highbury either are continuing or planning to continue shooting.

Paramount News Shipped Day Early

Paramount News is shipping the weekend issue of the reel one day ahead of schedule, as was done last week. The reel is devoted wholly to the war situation as it affects England. Material for the reel arrived via Imperial Airways late Monday.

Anti-Ascap Bill Gets Alabama Cold Shoulder

BIRMINGHAM, Sept. 6.—The Alabama anti-Ascap bill, passed by the Senate last week, went down to defeat at the hands of the house ways and means committee today, 5 to 3. The legislature will adjourn on Saturday so it is generally conceded that the bill has no chance of being immediately revived.

The measure, supported by radio stations and hotels throughout the state, would have required Ascap to abandon its license fee of five per cent of the music users' income in favor of payment on a "per use" basis, with composers and publishers being required to fix the amount of the fee on each composition.

Court to Hear Nebraska Ascap Case Sept. 18

Louis D. Frohlich of the law firm of Schwartz & Frohlich, counsel for Ascap, will go to Lincoln, Neb., early next week to prepare for trial of the music licensing society's action to test the constitutionality of the state's anti-Ascap law. Trial is scheduled to start in Federal court at Lincoln on Sept. 18. The action will be the first clear-cut test of the constitutionality of several of the first state anti-Ascap laws enacted.

Warner Stars Start Coast Theatre Tour

A goodwill tour of approximately 12 Warner stars is starting today from Hollywood. The tour, which will stop at 12 cities on the West Coast, is for the benefit of independent exhibitors who purchased Warner product when the latter decided to sell away from Fox West Coast.

Joe Blumenfeld of the Blumenfeld circuit will play host at San Francisco, the first stop, where Governor Olsen will receive the troupe, and also will entertain them at Oakland and Sacramento. At Seattle, Governor Martin will receive the players with John Danz of the Sterling circuit playing host. Governor Sprague will tender the players a reception at Portland.

Change Capital Stock

ALBANY, Sept. 6.—Changes in capital stock have been made by two Schine Circuit corporations. Schine-Oneonta Corp., formerly consisting of $5,000 capital stock in $10 shares, has been changed to 10 shares, no par value. Capitalization of $50,000 in Oneonta-Strand Corp. has likewise been changed to 10 shares, no par value.


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DEFIES EVEN THE GALLOWS TO TEMPER THE SAVAGERY OF HIS SOUL-CONSUMING BLOOD-LUST!

THE MAN THEY COULD NOT HANG

LORNA GRAY • ROBERT WILCOX • ROGER PRYOR

Screen play by KARL BROWN • Directed by NICK GRINDE

A COLUMBIA PICTURE

COLUMBIA PICTURES

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Aug. 4	Coast Guard *Randolph Scott* *Ralph Bellamy* *Frances Dee*	Miracles for Sale *Robert Young* *Florence Rice* (G) (D)	Mr. Wong in Chinatown *Boris Karloff* (G) (D)	Night Work *Mary Boland* *Charlie Ruggles* (G) (C)	Colorado Sunset (O) *Gene Autry* *Smiley Burnette*	Bachelor Mother *Ginger Rogers* *David Niven* (A) (C)	Elsa Maxwell's Hotel for Women *Ann Sothern* (G) (D)	Four Feathers *Ralph Richardson* *Aubrey Smith* (G) (D)		Indianapolis Speedway *Ann Sheridan* *Pat O'Brien* (G) (D)
Aug. 11		Lady of the Tropics *Hedy Lamarr* *Robert Taylor* (G) (D)		Our Leading Citizen *Bob Burns* *Susan Hayward* (G) (D)	New Frontier (O) *John Wayne* *Ray Corrigan*	Bad Lands *Robert Barrat* *Noah Beery, Jr.*	Chicken Wagon Family *Jane Withers* *Leo Carrillo* *Marjorie Weaver*	Man in the Iron Mask *Joan Bennett* *Louis Hayward* (G) (D)	When Tomorrow Comes *Charles Boyer* *Irene Dunne* (G) (D)	Playing with Dynamite *Jane Wyman* *Allen Jenkins*
Aug. 18	The Man They Could Not Hang *Boris Karloff* *Roger Pryor*	These Glamour Girls *Lew Ayres* *Lana Turner* *Tom Brown*	Riders of the Frontier *Tex Ritter* (O)	This Man Is News *Barry K. Barnes* Renegade Trail	In Old Monterey (O) *Gene Autry* *Smiley Burnette*	In Name Only *Carole Lombard* *Cary Grant* *Kay Francis* (G) (D)	Stanley and Livingstone *Spencer Tracy* *Nancy Kelly* (G) (D)	They Shall Have Music *Jascha Heifetz* *Andrea Leeds* (G) (D)		Each Dawn I Die *James Cagney* *George Raft* (G) (D)
Aug. 25	Five Little Peppers and How They Grew Riders of Black River	Wizard of Oz *Judy Garland* *Frank Morgan* *Bert Lahr* (G) (C)	Oklahoma Terror (O) *Jack Randall*	Star Maker *Bing Crosby* *Louise Campbell*	Smuggled Cargo *Rochelle Hudson* *Barry MacKay*		Jones Family in Quick Millions *Jed Prouty* (G) (C)			The Angels Wash Their Faces *Dead End Kids* Hobby Family *Irene Rich*
Sept. 1	Konga the Wild Stallion *Fred Stone* *Rochelle Hudson*	The Women *Norma Shearer* *Joan Crawford* *Rosalind Russell*		Death of a Champion *Lynne Overman* *Robert Paige*	Flight at Midnight *Phil Regan*	Conspiracy *Allan Lane* *Linda Hayes*	Adventures of Sherlock Holmes *Basil Rathbone* *Ida Lupino* (G) (D)		The Under-Pup *Nan Grey* (G) (C) Mutiny on the Blackhawk *Richard Arlen* (G) (D)	The Old Maid *Bette Davis* *Miriam Hopkins* (G) (D)
Sept. 8	Golden Boy *Stanwyck* (G) (D) Hidden Power *Jack Holt*	Blackmail *Edward G. Robinson* *Ruth Hussey*		Range War *William Boyd* *Russell Hayden*	Wall Street Cowboy (O) *George Hayes*	Full Confession *Victor McLaglen* Fighting Gringo *George O'Brien*	Charlie Chan at Treasure Island *Sidney Toler* (G) (D)		Bad Company *Jackie Cooper* *Freddie Bartholomew* Desperate Trails (O)	Nancy Drew and the Hidden Staircase *Bonita Granville* *Frankie Thomas*
Sept. 15	Outpost of the Mounties *Charles Starrett* *Iris Meredith*	Henry Goes Arizona *Frank Morgan* *Ann Morriss*	Sky Patrol *John Trent* *Jackie Coogan*	Beau Geste *Gary Cooper* *Ray Milland* (G) (D)		The Day the Bookies Wept *Joe Penner* *Betty Grable*	The Rains Came *Myrna Loy* *Tyrone Power* *George Brent*		Hawaiian Nights *Johnny Downs* *Mary Carlisle* (G) (C)	Dust Be My Destiny *John Garfield* *Priscilla Lane* (G) (D)
Sept. 22	Prison Surgeon *Walter Connolly* *Iris Meredith*	Thunder Afloat *Wallace Beery* *Chester Morris*	Crashing Thru *James Newill*	$1,000 a Touchdown *Joe E. Brown* *Martha Raye*		Fifth Avenue Girl *Ginger Rogers* *James Ellison* (A) (C)	Stop, Look and Love *Jean Rogers* *William Frawley*	Intermezzo, a Love Story *Leslie Howard* *Ingrid Bergman*	Rio *Sigrid Gurie* *Basil Rathbone* *Robert Cummings*	No Place to Go *Fred Stone* *Gloria Dickson*
Sept. 29	Scandal Sheet *Otto Kruger* *Ona Munson*	Fast and Furious *Ann Sothern* *Franchot Tone*	Murder in the Big House *Charles Bickford*	Honeymoon in Bali *Madeleine Carroll* Range War (O)	Calling All Marines *Donald Barry* *Helen Mack*	Nurse Edith Cavell *Anna Neagle* *Edna May Oliver* (G) (D)	Here I Am A Stranger *Richard Greene* *Roland Young*	The Real Glory *Gary Cooper* *Andrea Leeds*	First Love *Deanna Durbin* Listen Kids *Johnny Downs*	A Child Is Born *Geraldine Fitzgerald* *Gladys George*
Oct. 6			Scouts of the Air *John Trent* *Marjorie Reynolds*	What a Life *Jackie Cooper* *Betty Field*	The Arizona Kid *Roy Rogers*	Three Sons *Edward Ellis* *Virginia Vale*	The Escape *Kane Richmond* *Amanda Duff*	Eternally Yours *Loretta Young* *David Niven*	Tower of London *Basil Rathbone* *Boris Karloff*	



Canada Gets War Censor Over Films

(*Continued from page* 1)

publicity, propaganda and communications.

Already American newscasts have been deleted from Canadian networks, with some elimination of radio news from England, other than official announcements from the British Broadcasting Corp.

Chairman O. J. Silverthorne of the Ontario Film Censor Board has withdrawn "Nurse Edith Cavell" and "Beau Geste" for further examination, causing the Uptown Theatre here to hold over "When Tomorrow Comes" for a second week.

The order barring foreign pictures except from France and the United States has been made permanent, and the release of Soviet pictures has been cancelled. Newsreels have been cut substantially in Ontario. Circuit theatres are taking precautions against sabotage or disturbance, with guards and emergency lights. Attendance in the past few days has fallen off considerably.

Dismiss Trust Suit, Schine Circuit Plea

BUFFALO, Sept. 6.—Motion to dismiss the Government anti-trust suit complaint in the Buffalo Federal Court has been filed by Willard S. McKay, attorney for the Schine group of defendants.

The motion, which will be argued Sept. 18 before Judge John Knight, asks the dismissal on the ground that the court lacks jurisdiction because the Schine circuit is not engaged in interstate commerce. No facts are set forth which show violation of the Sherman anti-trust law, the defendants contend.

Joining in the motion are Schine Chain Theatres, Inc.; Schine Circuit, Inc.; Schine Theatrical Co., Inc.; Schine Enterprises Corp.; Schine Lexington Corp.; Chesapeake Theatres Corp., J. Myer Schine, Louis W. Schine and John A. May.

TMAT Dispute to Go Before State Board

State Labor Relations Board will hold an informal meeting next week in an effort to adjust the dispute between Theatrical Managers, Agents and Treasurers Union and a newly chartered I.A.T.S.E. local of legitimate theatre treasurers.

T.M.A.T. contends that several producers have insisted that their treasurers join the I.A. local and that this constitutes an unfair labor practice. S.L.R.B. does not ordinarily interfere in jurisdictional disputes but may recognize the case as one of unfair labor practices by an employer.

Legitimate stage circles do not believe that a T.M.A.T. strike will seriously affect production because of the new agreement between the I.A. and the actors, and the announcement of the Teamsters Union that it will support the I.A.

T.M.A.T. board of governors meets to consider the problem at 11 this morning.

BANNER RADIO LINES

By JACK BANNER

HEADS OF THE THREE MAJOR NETWORKS met in closed-door conclave yesterday to determine policies governing war coverages. Those who attended the session included David Sarnoff, Lenox Lohr, William S. Paley, Edward Klauber, Alfred J. McCosker and Theodore Streibert, rulers of NBC, CBS and Mutual, respectively.

The meeting, from meagre but authentic reports passed on to this pillar, was a rather stormy one, with CBS insisting that the webs should go right into the front line trenches with microphones and NBC and Mutual counselling a schedule of foreign broadcasts to be aired as occasion warrants. Discussion ended in a stalemate and it is understood the conclave will be resumed today.

On one subject the network executives were solidly united. They are agreed that they must get together with the State Department and with the F.C.C. to make a deal on how to conduct the war coverage, before orders are issued in which they will have had no voice.

TONIGHT'S CHARITY FOOTBALL GAME between the All-Stars and the Giants was to have been broadcast over WJZ and the Blue network. Instead the game will be broadcast over WHN and Mutual stations that want it.

The *Herald-Tribune*, sponsors of the game, offered broadcast rights to NBC's Blue, with a proviso that a sponsor be obtained. NBC was unable to secure a client. When The *Herald-Tribune* still insisted on the sponsorship angle, the network dropped the broadcast and scheduled other events. Yesterday afternoon the newspaper abandoned its sponsor demand, but it was now too late for the Blue network to accept. Thereupon The *Herald-Tribune* offered the game to WOR, but that station refused it because it conflicted with commercial programs. As a last resort WHN was sounded out and that station eagerly accepted. WHN meanwhile has offered the game to Mutual.

LEHMAN ENGEL, a comparative newcomer to radio but a veteran of theatre orchestra pits, has been signed by Trasamerican to orchestrate and conduct the mood music for the Texaco "Star Theatre" dramatizations. Lyn Murray had first call for this assignment, but the deal collapsed because of Murray's conflicting orchestral duties on the Phil Baker program which, like Star Theatre, is rehearsed and broadcast on Wednesdays.

CURTAIN OF THE SCREEN ACTORS GUILD program will be raised by a stellar cast of players comprising Mickey Rooney, Judy Garland, Cary Grant and Ann Sothern. First program in the second series to benefit the needy and aged in pictures will get under way Sept. 24 over CBS.

AT THE CONCLUSION of a broadcast yesterday over WMCA which described German hordes overrunning Poland, there were a few moments of music to round out an even 15-minute period. With the whole of tin pan alley's output to choose from, the organist selected "I Surrender Dear."

Radio Artists of N. Y. To Elect on Sept. 28

Annual meeting of the New York chapter, American Federation of Radio Artists, will be held Sept. 28 at the Hotel Edison. A board of directors will be elected. Emily Holt and George Heller guide the New York division, and their reelection is called certain.

Today A.F.R.A. will hold a general meeting to consider the reinstatement of Sophie Tucker.

A.F.R.A. yesterday announced the signing of an agreement between the Los Angeles chapter of the radio union and KFWB, Warner Bros. station in Hollywood.

'Blackout Over Europe'

HOLLYWOOD, Sept. 6.—Samuel Goldwyn today signed Jo Swerling to write the screenplay for "Blackout Over Europe," to be laid in an unidentified country and tell of the effect of air raids and war on metropolis.

Seek Lab Contract

M. P. Laboratory Technicians, Local 702, are negotiating for contracts with Pathe Film Laboratories, Manhattan, and Warner Cellulose Products, Brooklyn.

Government Closes Balaban & Katz Case

CHICAGO, Sept. 6.—The Government this afternoon closed its case against Balaban & Katz and the major distributing companies for alleged violation of a consent decree. The defense is expected immediately to file a motion to strike out portions of the evidence or to dismiss the case.

Master-in-Chancery Edgar Eldredge will hear the motions tomorrow and Friday. The case then is expected to be postponed for one week, the defense starting its evidence on Sept. 25.

Set Independents' Suit

CHICAGO, Sept. 6.—The suit of Chicago independents against Balaban & Katz and the major distributors is scheduled for hearing Sept. 26. It is expected the case will be postponed again, as the attorneys involved are expected to be engaged in the Government action against B. & K.

William Landers Dies

BATESVILLE, Ark., Sept. 6.—William Lawrence Landers, 56, veteran theatre operator of the state, who helped to organize the Independent Theatre Owners of Arkansas in 1920, died here. He is survived by his widow, a son, two daughters and two sisters.

Fears of Air Censorship In U.S. Killed

WASHINGTON, Sept. 6.—Reports of pending restrictions on activities of broadcasting stations were denied today at the White House, where Secretary Stephen T. Early declared no censorship of any sort is planned at the present time.

Explaining that a permanent policy of radio neutrality would depend upon the manner in which stations conformed with President Roosevelt's plea for neutrality, Early said it was hoped the industry would so conduct itself as to necessitate no action by the administration.

If, however, stations present programs or speakers favoring one side or the other in the European war, he said action would be taken quickly. It was made clear that a sharp watch would be maintained on stations to prevent their use for propaganda purposes.

Short-wave broadcasts will be most carefully followed because of the aid and comfort which could be given belligerents by propaganda reaching foreign countries.

In the event this country should engage in hostilities, it was indicated no time would be lost in taking the industry over, as the Communications Act authorizes the president to do in an emergency.

Monday Deadline To Oppose Queries

Objections to the 68 interrogatories filed by the Government in the anti-trust suit against the major companies must be served by Monday, if the defense wishes to contest them, according to Rule 33 of the Federal Court rules. Unless objections are filed, answers must be filed by Sept. 16.

Although either side has the absolute right to file interrogatories, the other side may object to them and the court then has discretionary power to grant or deny them. New rules, adopted a year ago, favor wide latitude in interrogating the opposing parties. The government will not be permitted to submit additional interrogatories except by special order of the court.

Although time for objections is limited to 10 days and for answers to 15, such time is frequently extended by stipulation or court order.

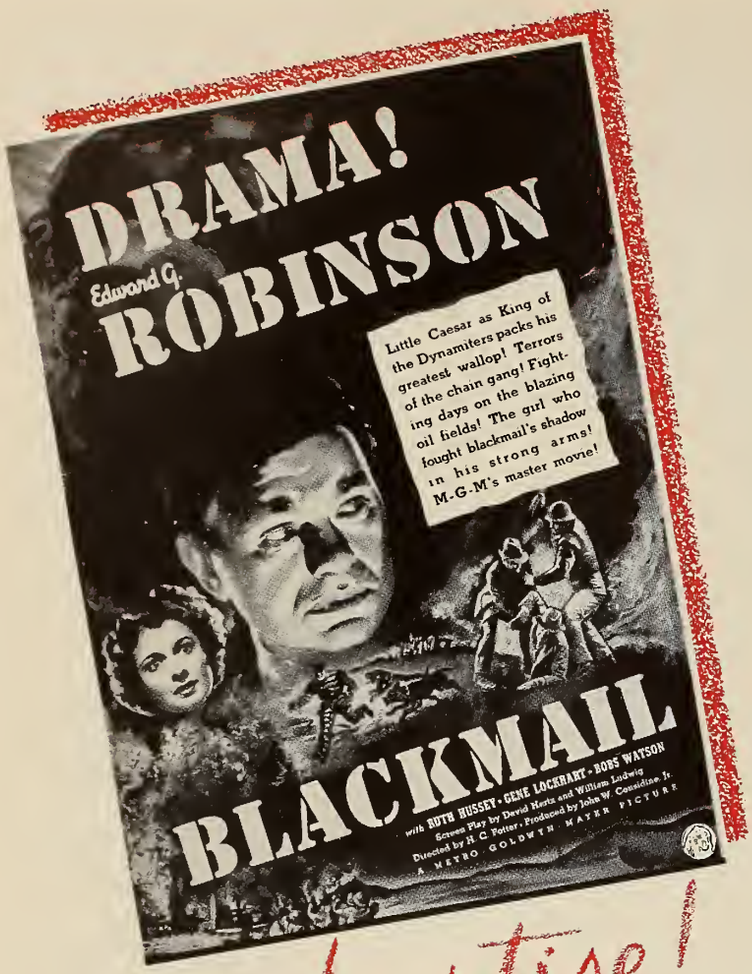
'Hobby Lobby' Quits NBC, Goes to CBS

"Hobby Lobby," quiz program now conducted over NBC, will shift to a CBS network Friday for broadcasts on Sundays from 5 to 5:30 P. M. Fels Naptha Co. is sponsor.

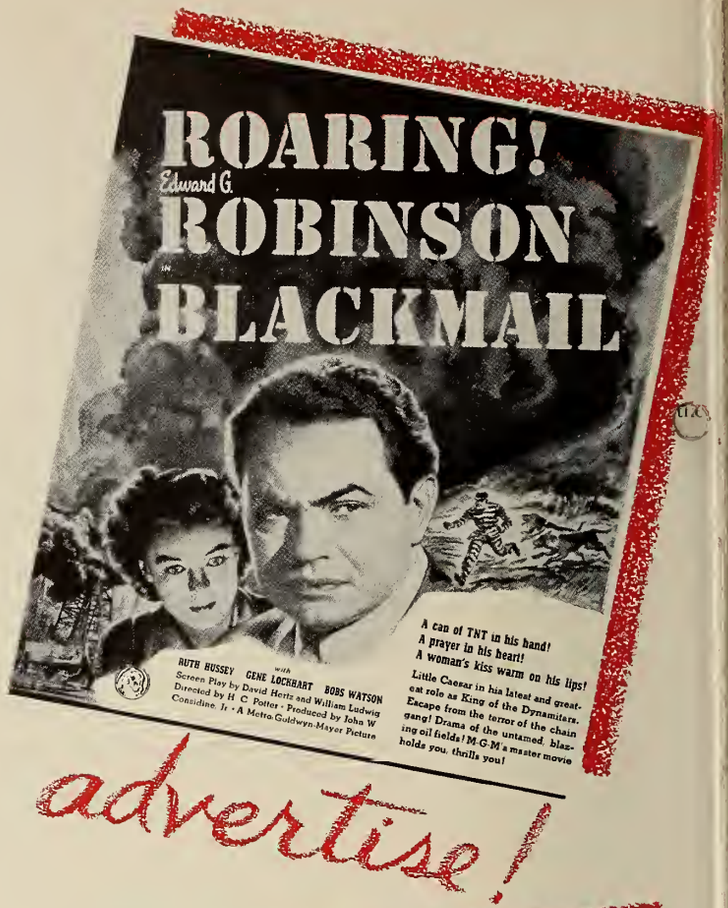
A contract was signed yesterday for the return of the Kate Smith program to CBS. The series will start Oct. 6, and will be heard Fridays from 8 to 9 P. M. General Foods will continue sponsorship.

Jewish Film Opening

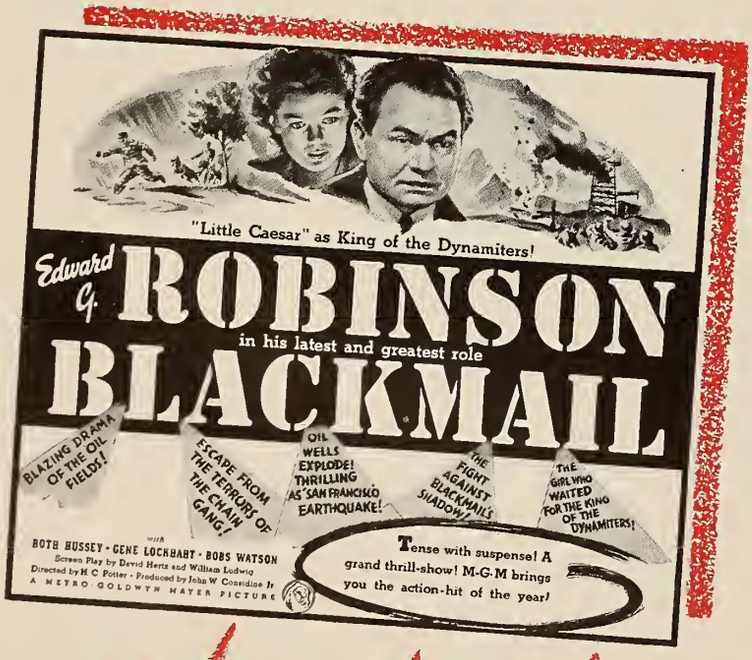
"Kol Nidre," new Jewish picture, produced and directed by Joseph Seiden, will open at the Clinton on the East Side on Monday.



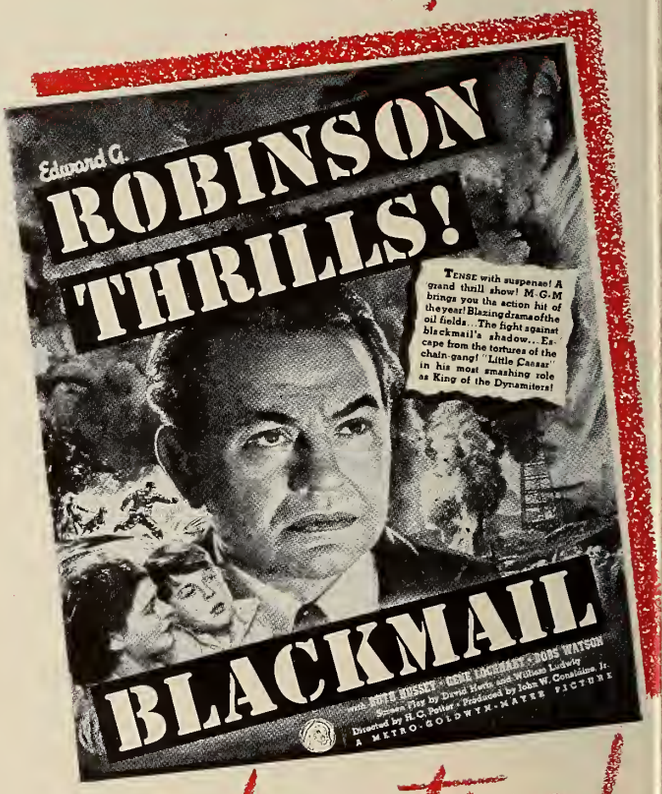
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First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 48 NEW YORK, FRIDAY, SEPTEMBER 8, 1939 TEN CENTS

30-Day Delay Given Majors In Trust Case

Oct. 15 Deadline for Reply To U. S. Questions

By agreement with Paul Williams, Assistant U. S. Attorney General, corporate defendants in the Government's New York anti-trust suit will be given an extension of 30 days in which answer or file objections to the detailed interrogatories which were advanced by the Government last week.

Inasmuch as the defendant companies were not served with the interrogatories until Sept. 5 they would be given until Sept. 15 to reply under ordinary procedure. With the extension they will have until Oct. 15 to act. With this trial preliminary carried over to that date it became apparent that even the Government can no longer expect trial of the New York suit to start by Nov. 1, as it had indicated heretofore it did.

Industry attorneys have maintained for a long time past that neither side could be fully prepared for the start of trial before Jan. 1, regardless of action on the Government's pending application for a preference for the case on the Federal court calendar.

United Artists is negotiating its own extension agreement with Williams, but presumably the same time limit will be set for that company as for the others.

Actors Make Plans For One Big Union

Associated Actors and Artistes of America yesterday designated the executive secretaries of its six major branches as a committee to work out plans for a "one big union" setup. The move, which has been considered on and off for several years, is apparently a reply to recent criticism from the A.F. of L. executive council.

Each secretary will appoint a small committee from his own union to assist in formulating plans. Principal objective will be to permit actors to work in any of the various fields without the necessity of joining a new union each time. At present, each union exacts its own dues and initiation fees.

First issue of the new 4-A newspaper is due to come off the presses

(*Continued on page 8*)

War Makes Latin America Leading U. S. Film Market

By H. ALBAN-MESTANZA
Editor, Teatro Al D'a

As an immediate consequence of the present European war, Latin America becomes the No. 1 export market for American pictures, despite the fact that a revision of production plans and budgets will be necessary to offset the loss of markets which have been closed by hostilities.

According to George Weltner, assistant general foreign sales manager for Paramount, his company, however, finds itself in a unique position. It expects to have the biggest year in Latin America since the days of Rudolph Valentino, due to the fact that eight months' production is finished.

Such pictures as "Geronimo," "Happy Ending," "Disputed Passage," "Rulers of the Sea," "Honeymoon in Bali," "$1,000 a Touchdown," "Doctor Cyclops," "The Light That Failed," "Our Neighbors," "The Carters," "Seventeen," "Untamed," "Portrait in Diamonds," "Parole Fixer," "Royal North West Mounted," "Remember the Night," "Typhoon," "Victor Herbert," "Campers' Wives," "The Farmer's Daughter," "Strange Money," "The Road to Singapore," "The Llano Kid," and "The Law of the Pampas," are now ready for release.

On the other hand, the first definite step towards curtailing production costs has been taken by Warner Bros. in announcing from the Coast the cancellation of production plans for

(*Continued on page 2*)

$5,000,000 A WEEK BRITISH FILM LOSS

Trade Asks Government Permission to Reopen Many Theatres

LONDON, Sept. 7.—The film industry in Great Britain under the present war operation is suffering a weekly loss estimated at $5,000,000.

This estimate was cited by a joint trade deputation representing the Cinematograph Exhibitors' Association and the Kinematograph Renters' Society (distributors), in asking the Home Office yesterday to consider the reopening of English theatres.

The deputation contended that film entertainment is a public service, and that film theatres are safer than many other places at which the public is now assembling. The group also stressed the possible necessity of laying off employes, and protested that the film industry was the only business halted by the British Government as a war measure.

The need for building public morale in the crisis was also stressed as a vital reason for permitting film houses to be open.

The deputation was headed by D. E. Griffiths, president of the K.R.S., and E. J. Hinge, president of the C.E.A. The two expressed satisfaction with the reception accorded

(*Continued on page 2*)

Form Grand Jury For Coast Probe

LOS ANGELES, Sept. 7.—Impanelling of a special federal grand jury to hear evidence in motion picture cases within two weeks was announced today by Charles Carr, assistant U. S. Attorney General, who is studying income tax and labor racketeering charges.

William Bioff, former I.A.T.S.E. official, has been notified, Carr said, to hold himself in readiness for a subpoena to go before the grand jury.

Year Ticket Tax Totals $19,470,801

WASHINGTON, Sept. 7.—Admission taxes collected by the Federal Government during the fiscal year ended June 30, last, aggregated $19,470,801.85, a loss of $1,329,977.64 from the $20,800,779.49 collected in the fiscal year 1938, it was reported tonight by the Internal Revenue Bureau.

The figures were disclosed by the bureau in a compilation of tax collections for the fiscal year which, from all sources, totaled $5,181,573,952 as compared with $5,658,765,314 in the preceding year.

213 Circuits Give Impetus To Trade's Golden Jubilee

Golden Jubilee campaigns were well under way this week with 213 circuits and individual houses reporting activities commemorating the fiftieth anniversary of the motion picture industry. Major circuits are exploiting the anniversary campaigns with extensive activities.

Many individual angles are being developed in theatre campaigns. RKO Theatres have tied up their Golden Jubilee with the Fiftieth Anniversary of RKO Theatres. A talking trailer is now running which uses the combined anniversaries as a news peg for the announcement of new screen attractions.

Theatres are decorated and many special celebration stunts are being planned, according to Harry Mandel, director of advertising.

National Theatres are using the Anniversary in connection with their fourth national drive. On his recent tour, Spyros Skouras canvassed the entire Fox West Coast circuit, making the Fiftieth Anniversary an important part of the campaign he outlined before a series of sectional meetings which included managers, bookers, maintenance men, treasurers, district and division managers in the Milwaukee, Kansas City, Denver, Northwestern and California areas.

Eastern Skouras Theatres are making general use of the anniversary in programs, trailers and advertising. Public relations departments of both eastern and western divisions are making wide use of Fiftieth Anniver-

(*Continued on page 8*)

Offer of Arbitration Promised by RKO

ATLANTIC CITY, Sept. 7.—RKO stands ready to incorporate an arbitration clause in its new season exhibition license agreements if requested by exhibitors to do so, H. M. Richey, in charge of the company's exhibitor relations, today told Allied States' annual eastern regional conference in session here.

The action will be taken by the company as an individual matter of establishing its new season sales policy, Richey said, without regard for action by other distributors or for any proposals which may have been a part of the now defunct industry code.

The RKO spokesman also assured the exhibitors that the quality of its product would not be impaired by any emergency measures which might be induced as a result of the European war. Richey said the company's policy would be to make fewer pictures

(*Continued on page 7*)

Britain's Film Losses Great; Theatres Act

(*Continued from page* 1)

their plea at the Home Office, and they expect a favorable reply in a few days.

Reopening of Theatres In Outlying Districts

In a cable received yesterday by George J. Schaefer, president of RKO, from Ralph Hanbury, United Kingdom managing director for RKO, it was indicated that the chief constable in each English city has been empowered to reopen some or all of the film houses in his district, depending upon their vulnerability in air raids.

Hanbury expressed the opinion that the move would mean that houses in districts far from the large centers would be permitted to reopen soon, but to a limited degree and possibly with restricted screening hours.

Hope for Big City Reopenings

"Unfortunately," the cable read, "these far away places are principally non-industrial towns with thin population, so from the standpoint of our operations, revenue is tremendously decreased. Maybe experience will allow some theatres to reopen in main centers such as London, Birmingham, Newcastle, Glasgow, etc., within reasonable time, with perhaps similar screening restrictions."

Warners' Teddington studio in London is closed and Sam Sax, production head, is making plans to return to New York. Jack Warner had been scheduled to go over to start the production of double and triple quota films, but these plans, of course, are shelved.

Mexican Unions Ban German Films

MEXICO CITY, Sept. 7.—The Confederation of Mexican Workers, the country's most powerful labor organization, has ordered a ban on all exhibitions throughout the country of German-made films.

This is the Confederation's most recent example of anti-Nazi activity. Last Spring it banned "Carmen," German film, on account of its Nazi attitude, and "Scipio Africanus," an Italian film, because of Fascism. The "Carmen" ban was lifted, but has been renewed, and the ban on "Scipio Africanus" continues.

Discharge Carroll From Bankruptcy

Earl Carroll was discharged from bankruptcy yesterday when Federal Judge Samuel Mandelbaum signed an order approving the report of Referee in Bankruptcy Robert P. Stephenson, which had recommended Carroll's final discharge. Carroll filed a voluntary petition on Oct. 8, 1936, in which he listed liabilities of $983,892 and assets of $410,646. General creditors received no payment under the referee's report but the Government received 57 per cent of the amount of tax liens filed.

Purely Personal

HARRY M. WARNER, president of Warner Bros., leaves for the Coast today or tomorrow.

•

BOB WEITMAN, SAM SHAIN, HARRY BRANDT, CHARLES E. MCCARTHY, OTTO MEYER, WILLIAM SCULLY, MATTHEW FOX, SAM DEMBOW, JR., SIDNEY PHILLIPS, RUSSELL HOLMAN, EDWARD SAUNDERS, JOHN BYRAM, OWEN DAVIS at Nick's Hunting Room in the Astor for lunch yesterday.

•

SHEPARD TRAUBE, former theatrical producer-director and screen writer, has been appointed dialogue director of "The Ramparts We Watch," March of Time's first full-length feature now in production.

•

MRS. IRVING ASHER, wife of the head of Columbia production in England, has arrived in New York from London with her children. She formerly was LAURA LA PLANTE.

•

H. J. ESSEX and SID SCHWARTZ, who sold "The Electric Man" to Universal, have completed a play, "Midnight Oil," which they are offering to producers.

•

SYDNEY GUILAROFF, New York hairdresser and stylist, will prolong his stay on the M-G-M lot, having signed a new contract.

•

JAMES R. GRAINGER, Republic president, returns Monday from a trip to the Coast and Minneapolis on product deals.

•

JACK CUMMINGS will continue to produce for M-G-M under a new contract just signed.

•

PAUL LAZARUS, JR., of Warners is vacationing.

Studio Carpenters Get 10% Wage Boost

LOS ANGELES, Sept. 7.—A 10 per cent raise in wage scales for carpenters in film studios, retroactive to Sept. 1, was disclosed today simultaneously by the Motion Picture Internationals Committee and Carpenters Local 946. The raise was granted by a producers committee at a basic studio agreement meeting in Newark on Aug. 25 but was kept secret until today.

Frank Carothers, secretary of the A. F. of L. signatories committee on basic agreement declared: "All other discussions regarding wage scales and conditions as well as the matter of application of other internationals concerned to come under basic studio agreement were postponed to agree upon joint conference to be held at the same place on Dec. 5."

Felder and Wittman Buy 3 Bronx Houses

Max J. Felder and Sig Wittman yesterday purchased the stock of Triad Theatres, Inc., operating the Vogue, Metro and Congress in the Bronx. The corporation formerly was headed by Ed Peskay and others. The Metro and Congress are being renovated and will reopen Oct. 1. The Vogue is open. Wittman formerly was a Universal executive in the East.

JOHN W. HICKS, Paramount vice-president in charge of foreign sales, who has been accompanying ADOLPH ZUKOR on a goodwill tour of the company's overseas offices, arrives from Hollywood today.

•

MAX MARGOLIS, Republic Cincinnati branch manager, a victim of arthritis for several months, which took him to Johns Hopkins Hospital in Baltimore, is able to be back at his office for short periods.

•

TROY ORR, in charge of trailers and advertising at 20th Century-Fox on the Coast left the studio this week and has been replaced by GEORGE WEISS.

•

ALLAN S. MORITZ, Columbia Cincinnati branch manager, has recovered from a recent attack of grippe.

•

WILLIAM DEVANEY, M-G-M office manager in Cincinnati, is on vacation in Bermuda.

•

Today is the birthday of BETTY GOLDSMITH, secretary to JAMES MULVEY.

Columbia Reports Profit of $2,046.76

Columbia Pictures Corp., for the fiscal year of 53 weeks ended July 1, 1939, reports net profit, after all charges and provision for Federal income and other taxes, of $2,046.76.

The profit compares with a net profit of $183,392 for the 52 weeks of the previous fiscal year. For the more recent period, the balance sheet shows current assets of $12,987,851.27 and current liabilities of $2,003,899.18. Working capital is given at approximately $10,985,000. Gross income from rentals and the sale of films and accessories amounted to $19,413,794.83.

At the annual stockholders meeting scheduled for the home office on Sept. 20, the members of the board of directors are expected to be reelected. The board includes Harry Cohn, Jack Cohn, A. Schneider, Charles Schwartz, Leo M. Blancke, Saul H. Bornstein and Jack Kerner.

Chicago Defendants Offer Many Motions

CHICAGO, Sept. 7.—Defendants in the Government contempt suit in Federal court here introduced numerous motions today to have certain testimony stricken from the record of the hearings.

Attorney Goldberg for RKO moved for dismissal of that company from the suit. Master in Chancery Eldredge will rule on all of the motions within the next few days, it is expected.

Premiere at Roxy For 'Rains Came'

"The Rains Came" will have its world premiere at the Roxy today. "The Adventures of Sherlock Holmes" grossed an estimated $39,000 in its week there. At the Strand, "The Old Maid" is continuing its smash pace with an estimated $43,000 for its fourth week and with a six-week run assured. Both were aided by the holiday weekend.

Latin America No. 1 Market For U.S. Films

(*Continued from page* 1)

"The Sea Hawk," which was scheduled to be one of the most costly productions for the coming season.

Norton V. Ritchey, general foreign sales manager for Monogram, states that special attention will be given by his company to Latin American market, where European, particularly French, pictures have been making serious inroads in the playing time alloted to American productions.

The other producers as yet have made no plans to meet present conditions in Europe.

They all agree, however, with Morris Goodman, Republic's vice-president in charge of foreign sales, and Ben Y. Cammack, assistant general foreign sales manager for R-K-O, who are of the opinion that, although not in the immediate future, the war is bound to have a favorable reaction on the playing time of American pictures in Latin America, when present stocks of French pictures are depleted.

Goodman, who recently conducted an extensive survey of conditions in Latin America, feels that the competition of French pictures had become acute in those territories, particularly in the larger cities, notwithstanding efforts of American companies to appeal to our Southern neighbors by means of special story treatment and casting.

Accordingly, he is of the opinion that the European war should afford the American industry an opportunity to cultivate that field further, provided more care is paid to the requirements of the market insofar as stories and casts are concerned.

An interesting immediate development brought about by the war is the fact that the majority of independent distributors handling European pictures for export are already at a standstill in New York, confirming the contention that European competition will vanish in Latin America.

To Release 'U-Boat 29'

Columbia has set Sept. 30 as the national release date for "U-Boat 29," topical drama with Conrad Veidt, Valerie Hobson and others.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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Speakers Hail Projectionists In Fete at Fair

The projectionist had his day yesterday at the New York World's Fair. It was "Projectionists' Day," and about 300 New York projectionists, union leaders, trade paper men and technicians crowded the little theatre of the Hall of Special Events, on the Fair grounds.



Terry Ramsaye

The gist of their message was that the recognition of the projectionist had been delayed too long. It was the projectionist, they all agreed, upon whom the success of the whole billion dollar industry finally depended.

Terry Ramsaye, editor of *Motion Picture Herald,* said in his speech:

"It has always been an indirect, if not too fully appreciated, compliment to the projectionist, that perfect projection is taken as the norm."

Among other guest speakers were Nathan Golden, chief of the Motion Picture Division, U. S. Department of Commerce; E. A. Williford, president, Society of Motion Picture Engineers; Dr. Alfred N. Goldsmith, past president of the same society; F. H. Richardson, technical adviser on projection to the *Motion Picture Herald,* and noted author of projection manuals; and Joseph Basson, president of the New York projectionists' local 306, an affiliate of the International Alliance of Theatrical Stage Employees.

The vast equipment and the billion dollars of equipment in the industry would be of no use if the picture on the screen was faulty, Ramsaye emphasized, and likened the projectionist to a "lighthouse keeper."

"It is appropriate that the limelight should now turn on the projectionist, inasmuch as he's been standing behind it for about 30 years," Ramsaye said.

Dr. Goldsmith urged the projectionists not to worry about their future, despite developments such as third dimensional pictures and television.

Golden's topic was "The Motion Picture Projectionist—His Contribution to Society."

Williford, speaking for the S.M.P.E., offered the projectionists the continued cooperation of the society, and praised them for keeping abreast of technical problems.

Richardson traced the evolution of the projection machine into the precision instrument that it is today.

He introduced William Reed, "oldest living projectionist," who started with Thomas A. Edison at the inception of motion pictures. Reed is now projectionist at the Colonial Theatre, Atlantic City.

Representatives spoke for George E. Browne, president of the I.T.A.S.E., and Edward J. Flynn, U. S. envoy to the World's Fair.

Chairman of the arrangements committee was P. A. McGuire of the International Projector Company.

Insider's Outlook

By SAM SHAIN

LAST Sunday night, the Actors' Equity mass meeting was hardly over when the bigwigs suddenly remembered that they were on the eve of the 20th anniversary of Equity's first strike settlement, in 1919. Accordingly a quick flash was ordered to Frank Gilmore, head of the 4-A's, on the Coast, apprising him of the event.

THE War is on everybody's mind and lips around the Main Stem. Vaults and files are being combed, and shelves are being dusted for forgotten war films as well as a source of inspiration for new ones to be made. You may think you know how brutal war is—but when you see "The Fight for Peace," you will know it's brutal and hateful. Here is an eloquent celluloid compilation of man's inhumanity to man. It is a stirring film. J. J. Milstein is the compiler.

ONE of the staff reports that Cornelius Vanderbilt, Jr., globe trotter and newspaper man, is now in the U. S. Intelligence Service.

AT Bob Goldstein's Tavern—M. A. Schlesinger, in one of his rare Times Square luncheon visits with Joe McConville, foreign sales chief of Columbia Pictures, recently returned from abroad.

IN the RKO Palace lobby—Charles McDonald, proudly inspecting the redecorated house—a new marquee, carpets and glass doors. Certainly, the old flagship never looked brighter than with its present plumage.

THE cable address of the Samuel Goldwyn company is *Goldsam.*

UNIVERSAL's lads are preparing a great homecoming for Nate Blumberg, president, who arrives from the Coast today, after a couple of months there.

Republic, Universal Keep To Schedule Despite War

Yates Here From Abroad; Calls Alarm Needless; No Retrenchments

H. J. Yates, president of Consolidated Film Industries, returning from England yesterday on the *Manhattan,* cautioned against alarm or retrenchments by film companies because of the war. A clear picture of the effect on film business will not be had for 60 or 90 days, he said, and the industry should not be too hasty.

Republic, for one, he said, plans no budget cutting or other retrenchments, but will be guided by the course of events. He pointed out that Republic will not suffer as much as other companies in the European upheaval, as its position in Europe is not definitely as consolidated.

While the large companies' foreign business is as much as 45 per cent of the world revenue, Republic's is considerably smaller.

Yates believes the British production quota will be tacitly ignored for the time being and that American films will be permitted import without restriction.

There were eight arriving in the Yates party, including Gene Autry, Republic western star, and his wife; Mrs. Yates, Mr. and Mrs. Walter Titus, daughter and son-in-law of Mr. and Mrs. Yates, their son, Richard, and Bill Saal, Republic representative. The party accompanied Autry on a personal appearance tour of England and Ireland, which he was compelled to cut short by the war.

Autry leaves for the Coast tomorrow. Yates probably will leave for the studio in about 10 days.

Blumberg Denies Budget Cuts; Studio Pushes Whole Program

CHICAGO, Sept. 7.—There will be no retrenchment by Universal because of uncertain foreign trade conditions created by the European war, Nate J. Blumberg, president of the company, stated on his arrival here today en route to New York from the Coast where he spent the Summer at the Universal studio.

"We will make all the pictures we have sold," he said. "So far, 30 of our 61 new season pictures are completed or nearing completion."

He asserted his belief that the industry will not be as hard hit by the war as was at first believed, and that foreign operations will revert to normal in due time. He admitted that considerable retrenchment talk was current in Hollywood when he left there, but attributed it to initial uncertainty resulting from lack of reliable information and a sound perspective.

Blumberg said that Universal is in a favorable position and has the fewest commitments in its history, thus making its problems in the current crisis, particularly with regard to production plans, less pressing than those with which some studios may be confronted.

He reported that a Universal product deal had been closed here with the RKO Palace under which the company's films will share time with RKO. A deal was also closed with B. & K. One with the Great States circuit is in its final stages.

Newsreel Parade

Weekend issues focus attention on the signing of the Proclamation of Neutrality by Secretary of State Hull. Conditions in war-stricken France and England, and the effect of the conflict on non-combatant countries, particularly America, are included. Paramount's issue was released a day in advance. The reels and their contents follow:

MOVIETONE NEWS, No. 104—Hull signs Neutrality Proclamation. Sandbags guard U. S. Embassy in Paris. British reservists take posts. U. S. troops sail to Panama. Record trading on Stock Exchange. Miss America chosen. Cleveland air races. Davis Cup tennis matches. Lew Lehr.

NEWS OF THE DAY, No. 302—French bombers in Paris. British marines on French soil. Holland mobilizes. Hull proclaims neutrality. Polish liner in New York. *Roosevelt* and *Nieuw Amsterdam* stress nationality. Wall St. booms. National air races. Football squads in training.

PARAMOUNT NEWS, No. 3—Consequences of war in England: towns evacuated; air raid precautions; women, children, aged and sick flee danger areas.

RKO PATHE NEWS, No. 15—Neutrality imposed in U. S. Coast Guard cutter sails to meet *Athenia* survivors. Speed production of airplanes on coast. Canada acts to stand by British. Turner wins Thompson Trophy. Gold rush in Mexican town. Auto race at Pike's Peak. Horse racing at Narragansett.

UNIVERSAL NEWSREEL, No. 804—Neutrality measure is signed. War refugees arrive in New York. Children seek shelter in England. Polish President receives American Flag from Ambassador Biddle. German tanker in Boston harbor. Canadians prepared to fight for Great Britain.

Film Stocks, Bonds Show New Strength

Film stocks and bonds showed mixed fractional gains and losses for the most part in yesterday's trading. Columbia preferred rose 3 points to close at 19 while its common slumped ⅝ to 6⅝. Warner common rose ⅛ to 4⅛ and its preferred jumped 1½ to 46½.

Film securities dropped badly Tuesday, the first day of trading after the war news, but staged a recovery the next day and this trend continued to some extent yesterday.

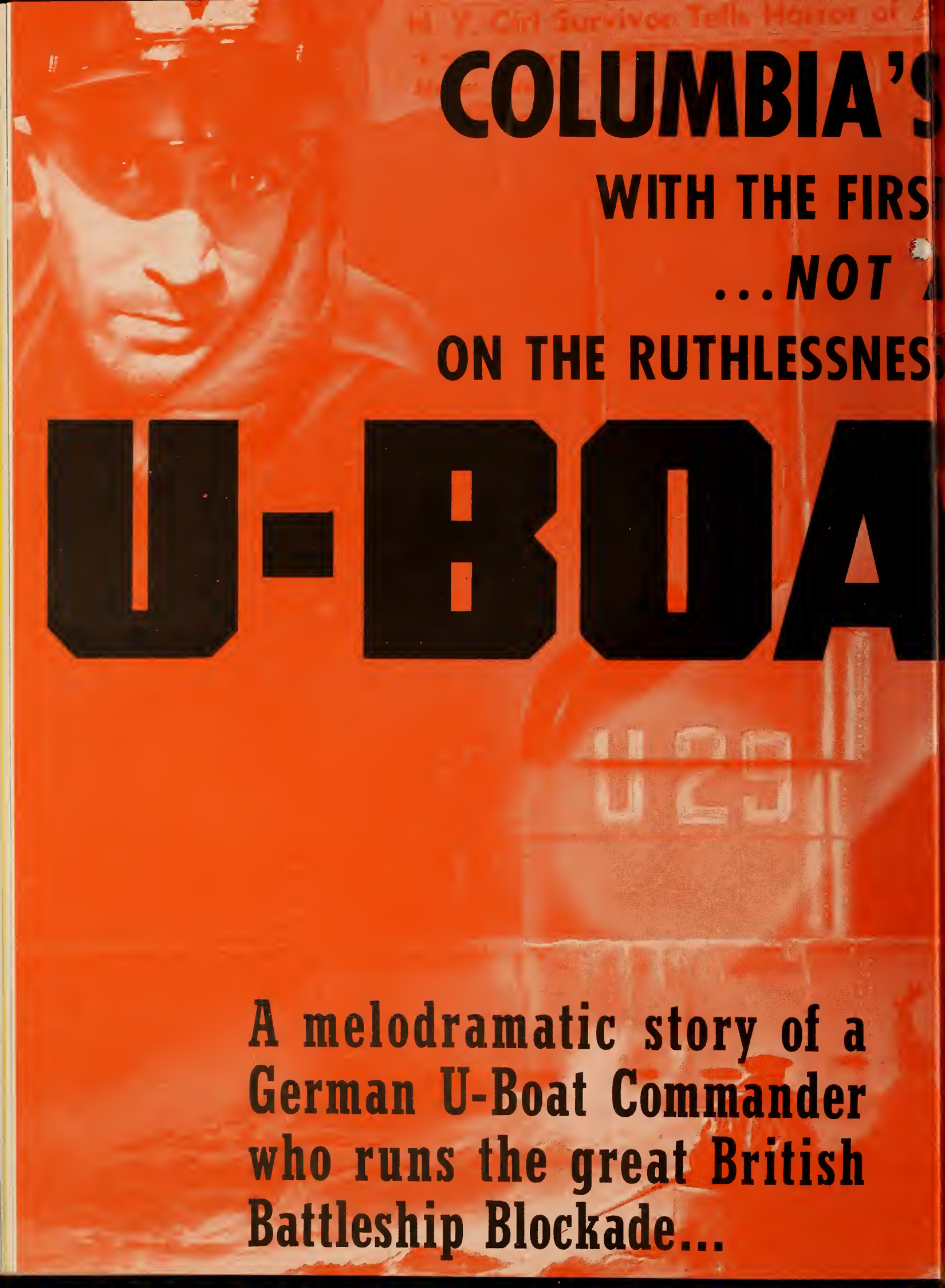
Universal Pictures preferred lost 6 points to close at 48 yesterday and Eastman Kodak common was off 5 to 154.

Other gains recorded yesterday were Consolidated Film, 1⅛, up ⅛. Consolidated Film preferred, 9, up ¼. General Theatres, 9⅝, up ⅛. Loew's common, 34⅛, up ½. Paramount 1st preferred, 77, up ⅞. RKO, 1⅝, up ⅛. Loew's debentures, 3½'s '46, 97, up 1. Technicolor, 12, up ⅞.

Other losses were Paramount common, 7, off ¼. Pathe Film, 8⅞, off ½. 20th Century-Fox, 13⅞, off ⅛. 20th-Fox, preferred, 22½, off ⅝. Sonotone, 1¼, off ⅛.

Arbitrators Named In Operators' Talks

Charles C. Moskowitz of Loew's and Major L. E. Thompson of RKO have been selected as arbitrators for the major circuits in negotiations with operators' Local 306. The union has not yet named its two arbitrators. The negotiations are to determine wage scales in the New York metropolitan area for the next two years.


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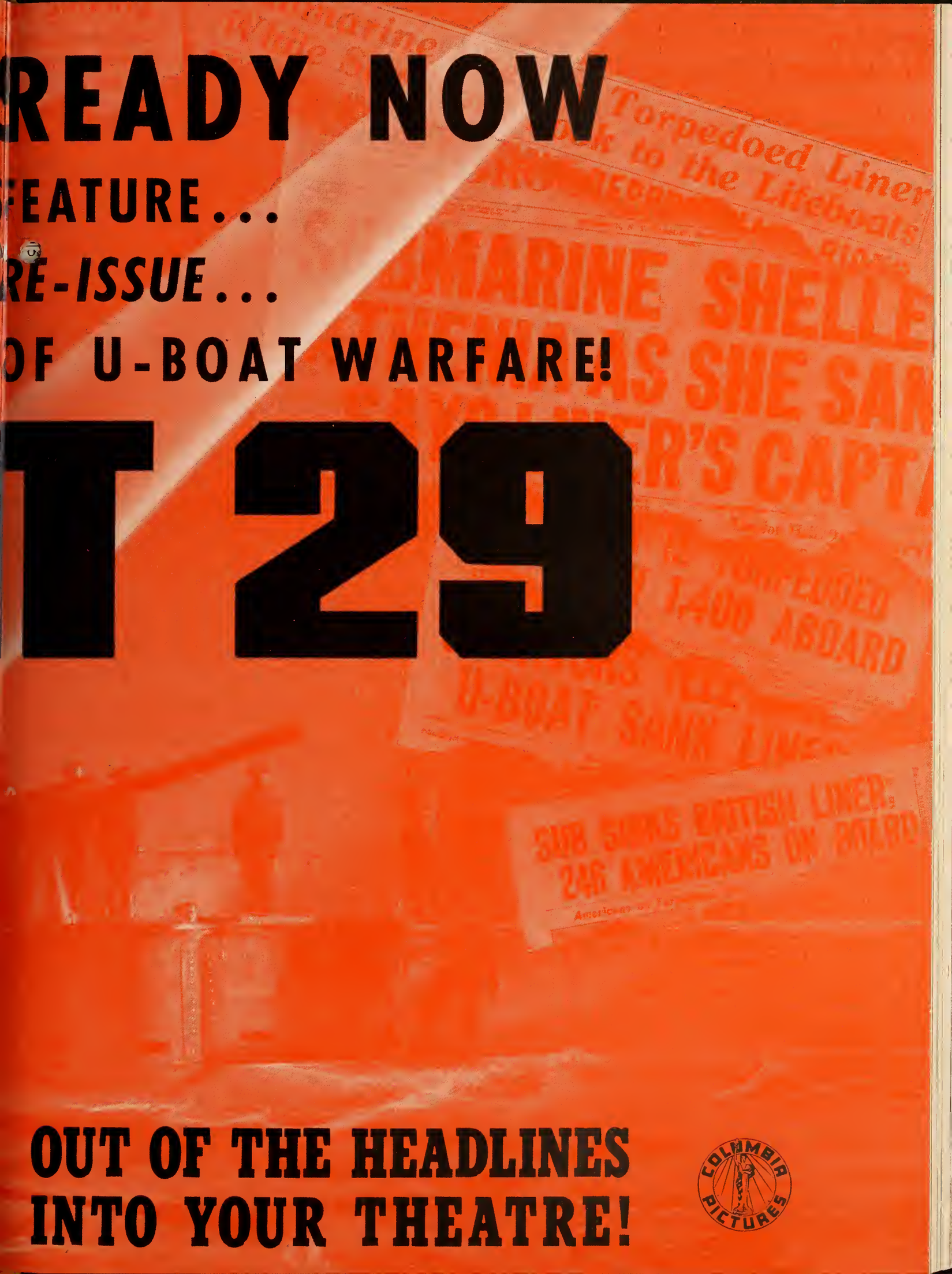
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COLUMBIA PICTURES

'Feathers' Is Frisco Lead With $14,000

SAN FRANCISCO, Sept. 7.—First run grosses soared to a summer peak with "In Name Only" getting $20,500 at the Golden Gate. "Four Feathers" opened at the United Artists with $14,000. The "Star Maker" and "Magnificent Fraud" drew $16,000 at the Paramount.

Estimated takings for the week ending Aug. 29-Sept. 1:

"In Name Only" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $20,500. (Average, $15,000)
"When Tomorrow Comes" (Univ.)
"They Asked for It" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 3rd week. Gross: $5,500. (Average, $8,000)
"Stanley and Livingstone" (20th-Fox)
"Charlie Chan at Treasure Island" (20th-Fox)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 3rd week. Gross: $7,300. (Average, $6,000)
"Each Dawn I Die" (W. B.)
"Indianapolis Speedway" (W. B.)
FOX—(5,000) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $11,000. (Average, $15,000)
"The Star Maker" (Para.)
"Magnificent Fraud" (Para.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: $16,000. (Average, $11,500)
"Four Feathers" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days. Gross: $14,000. (Average, $8,000)
"The Wizard of Oz" (M-G-M)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $9,000. (Average, $12,000)
"Spring Parade" (Viennese)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $700. (Average, $1,000)
"My Son" (Jewish)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $850. (Average, $1,000)

'Maid' New Haven Smash with $10,000

NEW HAVEN, Sept. 7.—"The Old Maid" and "Torchy Blaine Plays with Dynamite" drew $10,000 at the Roger Sherman in 9 days. "The Wizard of Oz" and "Blondie Takes a Vacation" also took $10,000 at the Loew-Poli.

Estimated takings for the week ending Sept. 1:

"Stanley and Livingstone" (20th-Fox)
"Charlie Chan in Reno" (20th-Fox)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $3,500. (Average, $2,700)
"The Wizard of Oz" (M-G-M)
"Blondie Takes a Vacation" (Col.)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $10,000. (Average, $8,000)
"The Hurricane" (U. A.)
"Stella Dallas" (U. A.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: $2,400. (Average, $4,000)
"The Old Maid" (W. B.)
"Torchy Blaine Plays with Dynamite" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 9 days. Gross: $10,000. (Average, $5,000)

'Tomorrow' $9,000 Indianapolis Lead

INDIANAPOLIS, Sept. 7.—"When Tomorrow Comes" and "The Forgotten Woman" at the Circle led with a strong $9,000.

Estimated takings for the week ending Sept. 1:

"Daughters Courageous" (W. B.)
"Naughty But Nice" (W. B.)
APOLLO—(1,100) (25c-40c) 7 days, 2nd week. Gross: $2,800. (Average, $2,500)
"When Tomorrow Comes" (Univ.)
"The Forgotten Woman" (Univ.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $9,000. (Average, $6,000)
"Winter Carnival" (U. A.)
"Miracles for Sale" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $8,000. (Average, $7,000)

'Oz' Reopens U. A. Theatre in Detroit With Big $15,000

DETROIT, Sept. 7.—"The Wizard of Oz," which reopened the United Artists, grossed $15,000. The Fox, with "Coast Guard," and "Blondie Takes a Vacation," drew $14,000.

Estimated takings for the week ending Aug. 31:

"Panama Lady" (RKO)
"When Tomorrow Comes" (Univ.)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $4,800. (Average, $5,000)
"Invitation to Happiness" (Para.)
"Wuthering Heights" (U. A.)
FISHER—(2,800) (15c-40c) 7 days. Gross: $4,400. (Average, $4,500)
"Coast Guard" (Col.)
"Blondie Takes a Vacation" (Col.)
FOX—(5,000) (25c-55c) 7 days. Gross: $14,000. (Average, $12,000)
"Each Dawn I Die" (W. B.)
"Night Work" (Para.)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: $12,400. (Average, $10,000)
"The Man in the Iron Mask" (U. A.)
"Naughty But Nice" (W. B.)
PALMS—(3,000) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)
"The Wizard of Oz" (M-G-M)
UNITED ARTISTS—(2,100) (15c-55c) 7 days. Gross: $15,000. (Average, $10,000)

'Maker' Is Buffalo Leader at $14,500

BUFFALO, Sept. 7.—"The Star Maker" at the Buffalo drew a strong $14,500. "When Tomorrow Comes" and "Big Town Czar" brought $7,300 to the Lafayette in the second week.

Estimated takings for the week ending Sept. 2:

"The Star Maker" (Para.)
BUFFALO — (3,000) (30c-55c) 7 days. Gross: $14,500. (Average, $12,000)
"The Wizard Of Oz" (M-G-M)
GREAT LAKES—(3,000) (30c-50c) 2nd week. Gross: $5,200. (Average, $7,500)
"Goodbye, Mr. Chips" (M-G-M)
"Night Work" (Para.)
HIPPODROME—(2,500) (25c-40c) 2nd week. Gross: $6,200. (Average, $6,800)
"A Star Is Born" (U. A.)
"Broadway Bill" (Col.)
TWENTIETH CENTURY—(3,000) (15c-20c-25c) 7 days. Revivals. Gross: $3,200. (Average, $5,200)
"When Tomorrow Comes" (Univ.)
"Big Town Czar" (Univ.)
LAFAYETTE—(3,300) (25c) 2nd week. Gross: $7,300. (Average, $6,300)

Coast Democratic Dinner Set Sept. 18

HOLLYWOOD, Sept. 7.—Sept. 18 has been announced as the new date for the banquet by the Motion Picture Democratic Committee. At that time U. S. Attorney General Frank Murphy will present a scroll to the producer whose film did the most to advance the ideals of democracy.

'Rulers' Opens Tuesday

HOLLYWOOD, Sept. 7.—Paramount will hold the press premeire of "Rulers of the Sea" at Carthay Circle Tuesday evening. Larry Dudley, Sea Scout, will fly to New York to obtain from Mayor LaGuardia a cask of Atlantic Ocean water for the opening ceremonies.

Renews News Broadcasts

Consolidated Cigar Co. has renewed Frank Singiser's Transradio news broadcasts over WOR for another period, effective Sept. 27. The periods are Monday, Wednesday and Friday at 6:30 P. M.

Drop German Show

The decree in Germany fixing prison terms and the death penalty for those who listen to short-wave programs from foreign stations has caused NBC to suspend one of its oldest and most popular short-wave features, "The Mail Bag." This was a program devoted to reading the names of those German listeners who asked that NBC acknowledge their letters over the air.

Metro Delays Three Heavy Budget Films

HOLLYWOOD, Sept. 7.—Curtailment of various departments and indefinite postponement of the preparation of at least three high budget pictures at Metro-Goldwyn-Mayer due to the expected drop of foreign grosses were revealed today.

The first department to be hit was the publicity department in which six staff members were discharged.

Three pictures placed far back on the preparation schedule are the next Marx Brothers film; "Lover Come Back to Me," which was to have starred Miliza Korjus and Nelson Eddy, and "I Met an Angel," from the Broadway show.

Herman Wobber, 20th-Fox general sales manager; Walter Hutchinson, head of foreign distribution, and Robert Kane, foreign production head, arrived today for conferences on world activities of M-G-M. Kane said that the company's studios have been indefinitely closed in England.

Pepsodent Renews 'District Attorney'

What started to be a summer replacement for Bob Hope turns into a second network series for Pepsodent this Fall, when "District Attorney," the script series which replaced Hope, is renewed for Hope's sponsor Oct. 1.

On that date the series will open on the NBC-Blue, to be heard Sundays at 7:30 P.M. Hope will be back on the air Tuesday, Sept. 26, on the Red, allowing the cast of "District Attorney" a week's vacation before the program changes networks.

Court to See 'Ecstasy'

ALBANY, Sept. 7. — Preferential placement on the N. Y. Appellate Division's fall calendar insures screening of the film "Ecstasy" by the court on Sept. 11. The five judges have agreed to review the picture as testimony for the second time, "Ecstasy" having been reviewed on appeal in 1937.

Rent Suit Settled

TAMPA, Fla., Sept. 7.—A suit over rent on the Tampa Theatre was settled by a decree of Circuit Judge Parks, holding that the theatre could not deduct as operating expense the cost of operating Bank Night and Screeno, outlawed recently by the State Supreme Court.

'Mother' Hits Good $7,600 In Milwaukee

MILWAUKEE, Sept. 7. — "Bachelor Mother" and "I Stole a Million" grossed $7,600 at the Warner, while "Should Husband's Work" [illegible] Blackstone the Magician on the stage took $8,000 at the Riverside.

Estimated takings for the week ending Aug. 31:

"Frontier Marshal" (20th-Fox)
"Chicken Wagon Family" (20th-Fox)
PALACE—(2,400) (25c-35c-50c) 7 days. Gross: $4,500. (Average, $4,000)
"Should Husbands Work" (Rep.)
RIVERSIDE—(2,700) (25c-30c) 7 days. Stage: Blackstone the Magican. Gross: $8,000. (Average, $6,500)
"Man in the Iron Mask" (U. A.)
"Our Leading Citizen" (Para.)
STRAND—(1,400) (25c-35c-50c) 7 days. Gross: $1,900. (Average, $1,500)
"Bachelor Mother" (RKO)
"I Stole a Million" (Univ.)
WARNER—(2,400) (25c-35c-50c) 7 days Gross: $7,600. (Average, $4,500)
"Stanley and Livingstone" (20th-Fox)
"Quick Millions" (20th-Fox)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. 2nd week. Gross: $5,000. (Average, $5,500)

Canada Will Form Grievance Boards

TORONTO, Sept. 7.—Due to the war excitement which is gripping Canada, attendance was very limited as the first all-Canada convention of independent exhibitors at the King Edward Hotel convened behind closed doors today. Those who attended are mostly from the Toronto district.

J. O. Scott of the Anti-Protection League of Canada, which is sponsoring the convention to formulate a definite organization plan and hear grievances on clearance and priority runs, is chairman of the meeting.

Adopted was a resolution creating regional grievance boards who will submit unusual cases to the proposed national board for negotiations with distributors.

It has been proposed that the regional boards consist of two independent, one chain and one exchange representative.

To negotiate with exchanges and theatre chains, Col. J. A. Cooper appointed a committee comprising Scott, N. A. Taylor, Harry Alexander of Toronto and A. J. Mason of Springhill, N. S.

Finishes Yiddish Film

Production on "Mirele Efros," Yiddish drama, produced by Roman Rebush for Credo Pictures, was completed this week at the Film Art studios under the direction of Josef Berne.

The Difference!

The difference in relations between producers in England and America is explained by Herbert Wilcox, British producer, as follows:

"When a Hollywood producer makes a good picture, he is congratulated by the others. When an English producer makes a good picture, the rest of the industry goes into mourning."

War Causes Film Changes For Warners

HOLLYWOOD, Sept. 7.—Two changes in production plans, caused by the European war, were announced today by J. L. Warner and Hal B. Wallis of Warner Brothers.

The first important step was the decision to push at least two high budget pictures into immediate shooting stages, despite one being previously announced as being shelved.

The second was rushing into preparation of at least nine light comedies in order to contrast with distressing news abroad.

The first big picture to get underway in about two weeks will be "Virginia City" to star Errol Flynn and Olivia de Havilland with the same supporting cast as that which appeared in "Dodge City." Michael Curtiz will direct. "Sea Hawk" will be done in full color.

Stories to be placed in work as soon as possible are "The Smiling Corpse," "The Poor Nut," "Stuff and Heroes," "Footsteps in the Dark," "Granny Get Your Gun," "Two Weeks Vacation," "Three Cheers for the Irish" and "Front, Please."

The studio is also putting "Espionage Agent" back into production in order to modernize the story to match it with European developments. "Espionage Agent" was completed about six weeks ago under the title of "Career Man." The studio also is advancing the date for starting work on "The Fighting 69th."

Offer of Arbitration Promised by RKO

(*Continued from page* 1)

rather than cheaper ones if war measures became absolutely necessary.

The meeting today voted commendation of all companies which pursue the same or a similar policy in the face of the European crisis. Prospects of future Congressional action on the Neely anti-block booking bill were discussed, as were possible effects of the war on film prices.

A letter from Abram F. Myers, Allied chairman, who is vacationing in Nassau, was read to the meeting. It urged distributors to make voluntary trade concessions in new season's contracts.

H. A. Cole, Allied president, urged continued support of the Neely bill on the grounds that Government anti-trust suits now pending against the large companies are directed only at exhibition. The Neely bill will complement them by regulating production and distribution, he said.

A nominating committee was appointed by George Gold, who is presiding at the sessions, which will submit its slate to the membership tomorrow, when the annual election of officers will be held.

Takes WSAV Post

SAVANNAH, Ga., Sept. 7.—Harben Daniel has resigned as advertising manager of WSM, Nashville, to become part owner and executive director of WSAV, Savannah.

Theatre, Personnel Notes

Sell Canadian House

TORONTO, Sept. 7.—The Elmwood, suburban house of London, Ont., opened two years ago by Bruce McLeod of Strathroy, Ont., has been sold to Mrs. Lilliam Marks of Fort Erie who is also building a theatre in the latter town.

The Palace Theatre at Galt, Ont., built by Harry Martin, has opened.

The new Regent, replacing the theatre of the same name at Sudbury, Ont., is due to be opened in the near future by R. G. Stevens, owner of theatres at Creighton Mine and Sturgeon Falls in northern Ontario.

Manager in Cincinnati

CINCINNATI, Sept. 7.—Henry Sommers, until recently in charge of the Palace, a Monarch unit at Akron, O., has been named manager of the 2,150-seat RKO Shubert here, which inaugurates a stage show and picture policy Sept. 15. He replaces Ellwood Jones, acting manager, since the resignation of Cliff Boyd. Jones returns to his former post as assistant manager.

Toronto Hippodrome Opens

TORONTO, Sept. 7.—The Hippodrome one of Toronto's largest downtown theatres and the largest house in the Dominion to be closed in recent months, has reopened under the management of Walter Graydon, with a combination policy of films and vaudeville.

Change Cincinnati Policy

CINCINNATI, Sept. 7.—The RKO Family, which several weeks ago switched to single bills, changing three times a week, coincident with a price reduction from 20 and 30 cents to 15 and 25 cents, has reverted to its former policy of double features, changing Sundays and Thursdays. No change in the admission scale has been made.

Manages Toronto House

TORONTO, Sept. 7.—George Law has been appointed manager of the Beverly here by V. Simone, owner, who also operates the Radio City Theatre here. Law was previously chief booker of Associated Theatres, Ltd., and has had experience in film exchange circles in both Eastern and Western Canada.

Buys Pennsylvania Theatre

PITTSBURGH, Sept. 7.—Manos Enterprises, Inc., of Greensburg, Pa., has bought the Palace, Tarentum, from the estate of John McGinley, for a reported $42,500.

Takes Wisconsin House

WATERTOWN, Wis., Sept. 7.—The Rock River Theatre Operating Co. has taken over the Savoy here from Harry Perlewitz and will operate it in connection with the Classic. The firm has closed the Savoy temporarily.

Reopens in New Haven

NEW HAVEN, Sept. 7.—Fishman Theatres will reopen the Apollo, one of the three houses closed for the summer, on Sept. 10.

Open in Wisconsin

WEST SALEM, Wis., Sept. 7.—The West Salem Theatre Co. has opened the Salem here, formerly the Rex. The house has been completely modernized and is under the operation of Mades Cullmann with M. E. Walker as manager.

Daly Acquires Theatre

PLAINFIELD, Conn., Sept. 7.—Michael Daly, operator of the Daly Theatre, Hartford, and theatres in Massachusetts, has acquired the 450-seat Lily Theatre here, formerly operated part time by Henry Fontaine.

'Star' Kansas City Leader at $8,100

KANSAS CITY, Sept. 7.—"The Star Maker" gave the Newman $8,100 for the best showing in a poor week. The Tower did $7,300 with "It Could Happen to You" and a stage show. The weather was normal.

Estimated takings for the week ending Aug. 29-31:

"The Mikado" (20th-Fox)
ESQUIRE—(800) (25c-40c) 5 days. Gross: $1,200. (Average, 5 days, $2,300)
"These Glamour Girls" (M-G-M)
"The Man They Couldn't Hang" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $6,800. (Average, $11,500)
"The Star Maker" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $8,100. (Average, $7,000)
"Bachelor Mother" (RKO)
"Saint in London" (RKO)
ORPHEUM—(1,500) (25c-40c) 7 days, 2nd week. Gross: $4,300. (Average, $5,000)
"It Could Happen to You" (20th-Fox)
TOWER—(2,200) (25c) 7 days. Stage: Ted Waldman & Suzi, Grant Family, Sid & Peggy Page, Charles Davis, Tower Glamour Girls, Novelty Swing Band, Novaline Payne & Milton Frank. Gross: $7,300. (Average, $7,000)
"The Mikado" (Univ.)
UPTOWN—(2,000) (25c-40c) 5 days. Gross: $1,800. (Average, 7 days, $2.700)

Town Votes Sunday Film

LAKS CITY, Tenn., Sept. 7.—Sunday films for this town have been approved by vote of the Board of Aldermen. Film performances will start at 1:30 P.M. on Sundays.

'Dawn' with $8,000 Leads Providence

PROVIDENCE, Sept. 7.—"Each Dawn I Die," paired with "The Man Who Dared" at the Majestic took $8,000 for the best business in town.

Estimated takings for the week ending Aug. 29-31:

"Each Dawn I Die" (W. B.)
"The Man Who Dared" (W. B.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days Gross: $8,000. (Average, $7,000)
"These Glamour Girls" (M-G-M)
"The Man They Could Not Hang" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $10,500. (Average, $11,000)
"Our Leading Citizen" (Para.)
"Bulldog Drummond's Bride" (Para.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $4,600. (Average, $6,000)
"Bachelor Mother" (RKO)
"Fixer Dugan" (RKO)
RKO ALBEE—(2,239) (25c-35c-50c) 7 days, 2nd week. Gross: $4,800. (Average, $6,000)
"The Wizard of Oz" (M-G-M)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $2,800. (Average, $3,500)
"Good Girls Go to Paris" (Col.) (3 days)
"Mr. Moto Takes A Vacation" (20th-Fox) (3 days)
"Daughters Courageous" (W. B.) (4 days)
"Andy Hardy Gets Spring Fever" (M-G-M) (4 days)
EMPIRE—(2,200) (20c-30c), 2nd runs. Gross: $2,400. (Average, $2,200)

Buys WHN Periods

Eighteen quarter-hour periods per week have just been taken over WHN by Air Conditioning Training Corp. under a new contract for 13 weeks.

'Oz' Is Smash Hit in Chicago With $22,700

CHICAGO, Sept. 7.—"The Wizard of Oz" was box office magic at the United Artists, grossing $22,700. "The Star Maker" at the Chicago, aided by Veloz and Yolanda, drew $48,600. The weather was fair and warm all week.

Estimated takings for the week ending Aug. 30—Sept. 1:

"Stanley and Livingstone"
APOLLO—(1,400) (25c-55c-75c) 7 days. Gross: $6,100. (Average, $6,000)
"The Star Maker" (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Veloz & Yolanda. Gross: $48,600. (Average, $32,000)
"Lady of the Tropics" (M-G-M)
GARRICK—(900) (35c-40c-65c) 7 days. Gross: $5,200. (Average, $5,000)
"Unexpected Father" (Univ.)
"Clouds Over Europe" (Para.)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Stroud Twins. Gross: $15,300. (Average, $13,000)
"Bachelor Mother" (Radio)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Vaudeville Revue. Gross: $22,400. (Average, $18,000)
"Hotel for Women" (20th-Fox)
ROOSEVELT — (1,300) (35c-55c-75c) 7 days. Gross: $9,800. (Average, $11,000)
"They All Come Out" (M-G-M)
STATE-LAKE — (2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $13,700. (Average, $12,000)
"Wizard of Oz" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $22,700. (Average, $14,000)

'Wizard' Cincinnati Smash with $17,000

CINCINNATI, Sept. 7.—"The Wizard of Oz" did a tremendous $17,000 at the RKO Capitol, and will hold for an extended run. "The Star Maker" gave the RKO Palace $11,500, and "In Name Only" pulled $13,000 at the RKO Albee. Estimated takings for the week ending Aug. 30-Sept. 2:

"In Name Only" (RKO)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $13,000. Average, $12,000)
"The Star Maker" (Para.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $11,500. (Average, $10,000)
"Stanley and Livingstone" (20th-Fox)
RKO SHUBERT—(2,150) (35c-42c) 7 days, 2nd week. Gross: $5,600. (Average, $10,000)
"The Wizard of Oz" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days. Gross: $17,000. (Average, $6,500)
"When Tomorrow Comes". (Univ.)
RKO LYRIC—(1,400) (25c-40c) 7 days, 2nd week. Gross: $3,200. (Average, $5,000)
"Island of Lost Men" (Para.) (2 days)
"The Spellbinder" (RKO) (2 days)
"Way Down South" (RKO) (3 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,000. (Average, $2,400)
"I Stole a Million" (Para.)
KEITH'S—(1,500) (30c-40c) 1 day. Gross: $3,900. (Average, $6,000)

'Oz' Draws $9,600, Strong Omaha Lead

OMAHA, Sept. 7.—"Wizard of Oz" pulled a powerful $9,600 at the Omaha. Aided by a "Quiz Lab" one night on the stage, "On Borrowed Time" was good for $8,200 at the Orpheum.

Estimated takings for the week ending Aug. 30:31:

"The Sun Never Sets" (Univ.)
"I Stole a Million" (W. B.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $4,600. (Average, $4,000)
"Wizard of Oz" (M-G-M)
"Terchy Runs for Mayor" (W. B.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $9,600. (Average, $6,000)
"On Borrowed Time" (M-G-M)
"Some Like It Hot" (Para.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $8,200. (Average, $7,600)

Gold Jubilee Drives Start All Over U.S.

(*Continued from page* 1)

sary material in connection with schools, universities, library and club cooperations.

Warner Brothers is handling its campaign on a decentralized basis. Mort Blumenstock has distributed manuals to all theatre managers.

At Loew's, under the direction of Oscar Doob, director of advertising and publicity, the anniversary campaign is being tied in with the opening of the new season at all Loew houses, through the use of lobby displays and special trailers.

One of the earliest campaigns to get under way was that launched by the Schine Circuit. Gene Curtis, director of advertising, developed an interesting trailer which opens with the May Irwin-John C. Rice "Kiss" made by the Edison Company in 1896, Mary Pickford in "The Good Little Devil," and John Bunny as Mr. Pickwick. It goes on to outline its "Movie Line Contest" and the line-up of new pictures for the season. A 64-page manual outlined the complete campaign for theatre managers.

F. F. Vincent, of the Pioneer Theatre Corporation in the Minnesota and Iowa area, has planned a series of special luncheons in each of his twelve towns.

The Allied Theatres of Michigan are planning to celebrate the Fiftieth Anniversary in connection with its own 20th Anniversary. Miss P. M. Sprott, business manager, is preparing special material for the convention program in Kalamazoo, October 2, 3 and 4.

C. W. Anderson, publicity manager of the Civic Theatres in Denver, has already used Hays' announcement and the first of the four installments of the highlights of motion picture history, in the *Civic News*, distributed as a weekend section of *The Monitor*. The paper is now running special articles on various phases of the industry.

John F. Burhorn, manager of the Gayety Theatre in Chicago, has arranged an extensive publicity campaign with the cooperation of the *Daily Calumet*.

George Freedley, curator of the Theatre Division of the New York Public Library, is planning a special display of historical material on the motion picture in the Fifth Avenue Library the week of Oct. 1.

The observance is industry-wide. All exhibitor organizations are cooperating, including MPTOA, Allied and other independent groups.

Actors Make Plans For One Big Union

(*Continued from page* 1)

tomorrow. Edward Harrison is editor.

The committee appointed by the 4-A consists of Paul Dullzell, Actors Equity; Kenneth Thomson, Screen Actors Guild; Ruth Richmond, Chorus Equity; Emily Holt, American Federation of Radio Artists; Leo Fischer, American Guild of Musical Artists, and Maida Reade, American Guild of Variety Artists.

BANNER RADIO LINES

By JACK BANNER

ED KLAUBER, CBS EXECUTIVE VICE-PRESIDENT, has issued a statement of policy to the network's news, special events and editorial staffs regarding policies to be pursued in covering the war. In addition to listing various "do's and don'ts," the document stresses the need for fairness, accuracy and care in labeling things for what they are and advises that each side is to be treated impartially in discussions on the air.

Network executives met again yesterday to discuss the methods to be employed in reporting the war. From all reports it was another "stand-off" affair with CBS insisting it will do as it wants to do in covering the hostilities. There are to be other meetings but if the background of network radio can be used as a criterion, all meetings will be fruitless. Webs have always been keenly competitive and it is beyond belief that they will effect an agreement now that a war, and all the opportunities it presents for scoring beats and earning listeners, is here.

Those who attended yesterday's meeting include Edward Klauber and Paul White for CBS, Niles Trammell and John Royal for NBC, and Fred Weber and Jules Seebach for Mutual.

EUGENE LYONS will be added to WMCA's staff as a commentator on foreign affairs. He's editor of the *American Mercury* and author of the recent best-seller, "Assignment in Utopia." The station also plans to sign Major General William C. Rivers, retired, to interpret the military actions of the armies.

ALL NEWS ITEMS broadcast henceforth over foreign-language station WBNX, New York, will be given in the English tongue only and the news will be confined solely to official press association bulletins. Other foreign-language stations will doubtlessly follow the example of WBNX.

HAWAIIAN PINEAPPLE CO. will drop Phil Baker for Al Pearce on October 1. On this date the client will also drop its present agency, Young & Rubicam, for N. W. Ayer & Son. Pearce's gang will continue in the present Wednesday 8 to 8:30 P. M. spot on CBS now held by Baker.

ED WYNN, JACK HALEY, PHIL BAKER are understood to be competing for a new program. The sponsor is a cigarette concern.

GENERAL MILLS, INC., AND WNEW are squabbling about the entirely unrelated subjects of Martin Block and baseball broadcasts. WNEW has been broadcasting games of the International League for General Mills, and with the season just about over, WNEW sold the Tuesday 8 to 9 P. M. period to Martin Block for his swing jamborees. Yesterday General Mills placed a request for this time for the International League championship playoff games. The wrangle between station and General Mills may be settled today.

Roach to Continue Production Plans

HOLLYWOOD, Sept. 7.—Hal Roach yesterday declared there will be no deviation from the previously announced plans for the production of six features and four Laurel and Hardy comedies for United Artists distribution in 1939-40, putting at rest an early rumor that "Captain Caution" was to be abandoned due to the story background involving the War of 1812.

Roach said no budgetary curtailment or other departure from prewar commitments will occur.

Samuel Goldwyn resumed production of "Raffles" today with David Niven continuing in the top role. The picture was suspended last week when it was thought possible Niven, a British reservist, might be called to the colors. The studio said resumption of shooting was possible because Niven was prevented from leaving the United States by the Neutrality Act.

Wins Softball Title

The softball team of the Warner New York branch is the champion of the Motion Picture League. The Warner team, managed by Dave Newman, clinched the title when it won the playoff game with 20th Century Fox Wednesday night.

Treasurers Fight Delayed By TMAT

Theatrical Managers, Agents and Treasurers Union has abandoned temporarily its efforts to negotiate contracts for treasurers and will confine itself to press agents, managers and assistants. Agreement with the League of New York Theatres is expected to be consummated next week.

The contract is expected to be for a five-year term with negotiations for wage scales at the end of two years. Negotiations for the treasurers will be held up pending a decision from the N. Y. State Labor Relations Board on whether the T.M.A.T. or the new I.A.T.S.E. treasurers' local has jurisdiction.

Schine Brokerage Suit Is Dismissed

Suit for $35,000 brokerage fees against Meyer Schine, Louis Schine and the Schine Enterprises Corp., allegedly due for the purchase by Schine Enterprises of four Rochester theatres, was dismissed yesterday by New York Supreme Court Justice J. Sidney Bernstein on the ground that the plaintiff, Carl E. Erikson, had failed to state a cause of action.

Erikson recently brought suit against the Schines and Fenyvessy Enterprises, Inc., claiming that the latter had retained him in May, 1937, to procure a purchaser for five of its theatres.

'Girls,' Show Net $25,600, Philadelphia

PHILADELPHIA, Sept. 7.—The first stage show at the Earle, under the renewed policy, featuring Eddie "Rochester" Anderson, Betty Grable, and Leighton Noble and his orchestra, grossed $25,600. The picture was "These Glamour Girls."

Estimated takings for the week ending Aug. 31:

"The Wizard of Oz" (M-G-M)
BOYD—(2,400) (32c-42c-57c) 8 days, 2nd week. Gross: $11,000. (Average, 7 days, $10,000)

"These Glamour Girls" (M-G-M)
EARLE—(2,000) (32c-42c-57c-68c) 7 days (6 days stage). Stage: Betty Grable, Eddie "Rochester" Anderson, Leighton Noble and orchestra. Gross: $25,600. (Average, $16,000)

"When Tomorrow Comes" (Univ.)
FOX—(3,000) (32c-42c-57c) 7 days. Gross: $14,400. (Average, $13,000)

"Hotel for Women" (20th-Fox)
KARLTON—(1,000) (32c-42c-57c) 6 days, 2nd run. Gross: $2,400. (Average, 7 days, $3,000)

"Andy Hardy Gets Spring Fever" (M-G-M)
PALACE—(1,000) (26c-42c) 7 days, 3rd run. Gross: $5,500. (Average, $4,200)

"Stanley and Livingstone" (20th-Fox)
STANLEY—(3,700) (32c-42c-57c) 7 days. Gross: $16,000. (Average, $14,000)

"I Stole a Million" (Univ.)
STANTON—(1,700) (26c-32c-42c) 7 days. Gross: $5,600. (Average, $4,500)

Pathe, Subsidiaries Earn $35,310 Profit

Pathe Film Corp. and subsidiary companies earned a profit of $35,310 during the six months ended June 30, according to a statement issued yesterday by Kenneth M. Young, president.

Operations resulted in a loss of $27,997 but receipts from interest, discounts and dividends of $71,501 less other charges of $8,193 brought the half year into the profit column. Total receipts from film developing, printing and rental sales were $173,477 with operating expenses of $201,474.

The statement does not reflect undistributed profits of the Du Pont Film Manufacturing Corp. of which Pathe holds 35 per cent. Du Pont earned $826,000 for the first six months of 1939 as compared with $639,000 for the corresponding period in 1938. Pathe's share was $289,000 in 1939 as compared with $223,000 in 1938. Of these earnings, $219,000 were undistributed in 1939 and $153,000 in 1938.

20th-Fox Declares Preferred Dividend

The Board of Directors of 20th Century-Fox Film Corporation at its meeting yesterday declared a cash dividend of 37½c per share for the third quarter of 1939 on the outstanding preferred stock of the corporation, payable September 30, 1939, to stockholders of record at the close of business September 18, 1939.

In view of the present uncertainty of revenue from the foreign markets, the Board decided that it would not be wise to declare any dividend on the common stock at this time.

French Film to Open

"Betrayal," French film produced by Nero Films in Paris, and containing English titles, will open at the Little Carnegie Playhouse Sept. 15. The film is distributed in this country by World Pictures Corp.

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VOL. 46. NO. 49 NEW YORK, MONDAY, SEPTEMBER 11, 1939 TEN CENTS

RKO and 'U' Win Chicago Case Backing

U.S. May Free Two Firms In Contempt Hearing

CHICAGO, Sept. 10.—A development of important significance occurred Friday as the U. S. government put the finishing touches on its contempt case against Balaban and Katz and the major film companies.

After Attorney Arthur Goldberg of the law firm of Spitz & Adcock, counsel for the defense, offered arguments disputing the government's claims, Special Master of Chancery Eldredge admitted that the record shows that there is no case against either RKO or Universal.

The government also conceded the fact that there has been no evidence offered to convict RKO and Universal of having violated the consent decree which the government promulgated some years ago.

Formal elimination of these two firms from the federal complaint is therefore expected.

A series of defense motions to strike out certain testimony was denied Friday by Master in Chancery Eldredge.

The hearing was postponed until Sept. 18 when the defendant companies will start presenting evidence in an effort to refute government charges.

Ticket Price Bill's Passage Assured

Councilman Howard H. Spellman believes that the ordinance to limit ticket broker advances to 75 cents which he has authored will be passed by the N. Y. City Council when the measure comes up this month. He is confident of support from all factions.

The bill is fashioned along the lines of the Feld-Crawford price fixing act which has been held constitutional by the U. S. Supreme Court. Spellman, who was an assistant producer under B. P. Schulberg at Paramount in 1932 and one-time story editor for RKO, wrote the briefs in the case of Tyson vs. Banton, 273 U. S. 418, in which the U. S. Supreme Court declared unconstitutional a previous effort to regulate ticket brokers. Spellman's bill, which has been approved by the Council's Committee on General Welfare, provides that a theatre owner or manager may print upon the ticket "the maximum premium, which in no event shall exceed 75 cents, at which the same may be re-

(Continued on page 8)

Highest Peak in 20 Years Announced By UA Producers

United Artists' producers and the distributing organization this week will reach their highest point of activity in the company's 20-year history, in point of number of pictures in work and in release, Murray Silverstone, the company's chief executive, said yesterday.

The company has six productions before the cameras, while five more will have been completed and made ready for release this week. Four others are already in release.

Among new productions in work are "Rebecca" at Selznick International; "Send Another Coffin," Walter Wanger, and Samuel Goldwyn's "Raffles." Charles Chaplin has begun rehearsals of his tentatively designated "Production No. 6"; Alexander Korda's "Thief of Bagdad" is nearing completion and Hal Roach is well along with production of "Of Mice and Men."

Completed productions include Selznick's "Intermezzo"; Goldwyn's "The Real Glory"; Walter Wanger's "Eternally Yours"; Hal Roach's "The Housekeeper's Daughter," and Korda's "Over the Moon."

New season pictures already released are Wanger's "Winter Carnival," Korda's "Four Feathers," Edward Small's "The Man in the Iron Mask" and Goldwyn's "They Shall Have Music."

Silverstone said the next half year will be one of the most important periods in the history of the industry, as the screen will fill one of the most vital needs at a time of unsettled world conditions.

65-70% OF BRITISH THEATRES REOPEN

IA Expelling Its 'Rebels'

LOS ANGELES, Sept. 10.—Both sides are confident of victory in the N.L.R.B.-supervised election to determine the collective bargaining agent at the studios.

I.A.T.S.E. continues wholesale summoning for trial on charges of disloyalty its members who allegedly belong to the United Studio Technicians Guild, the I.A.'s opponent in the election.

Known leaders of the U.S.T.G. already have been expelled and an unknown number of other Guild members have been called for hearings.

Predicts Doom of I.A.T.S.E.

Howard S. Robertson, president of the Guild, today said that expulsions of U.S.T.G. men mean nothing, for "there won't be any I.A.T.S.E. here following the election."

Robertson announced that he will file charges of Wagner act violations against the studios if the companies refused to employ men expelled from the I.A.T.S.E.

It is expected that preparations for the balloting will be completed tomorrow by 20 clerks working under the direction of N.L.R.B. Attorney William R. Walsh.

Report of Intention to Suspend Film Quota Brings Protest

LONDON, Sept. 10.—Between 65 and 70 per cent of the film theatres in England opened Saturday under restricted conditions and only until 10 P.M., in neutral and reception zones, under permits issued by the Home Office of the British Government on Friday.

It was authoritatively reported over the weekend that the British Board of Trade intends to suspend the British quota for the duration of the war.

Theatres were open with only a few individual exceptions. Under the permits issued by the Government the houses will remain open until further notice, but with the proviso that they adhere to the safety regulations prescribed for all theatres in the emergency by the Government. These include adequate provision for ready access by audiences to bombproof shelters, the maintenance of attendants to be on the lookout for air raid warnings, and the like.

Exceptions to the opening permission were Central London, and populous industrial and particularly vulnerable areas, including eastern coastal towns. However, the majority of the industry's exhibition business has been resumed. In all, theatres in only about 100 towns have been ordered to remain closed.

When the reports of the planned suspension of the quota became current here, producers and technicians' groups protested to Whitehall, asking the

(Continued on page 2)

Canada Enlists Theatres And Radio in War Cause

TORONTO, Sept. 10.—Film and radio industries here are preparing to give the Government their full cooperation in the war situation.

The Dominion Government has appointed a Wartime Prices and Trade Board and indications are that the sales tax may be raised from eight to ten per cent. This increase will affect imports of films, advertising accessories and theatre equipment.

Consideration has also been given to cancellation of the recent trade agreement with the United States.

Independent exhibitors have formally placed the use of their theatres and screens at the disposal of the Government for public and patriotic meetings, and are prepared to screen any film for war loan or recruiting purposes. The offer was made through the Anti-Protection League of Canada, sponsored by Independent Theatres Association of Canada.

Amateur radio broadcasting operators, of whom there are approximately 3,500 in Canada, have been barred from use of the air waves for the duration of the war.

Famous Players Canadian Corp. has not altered its promotion for its Fall selling campaign. The slogan, "Fall Time Is Movie Time," is being launched in more than 200 houses.

Ned Sparks, screen comedian, in a personal conference with Premier M. F. Hepburn, offered his services to the Canadian Army.

Theatre construction is continuing here and A. Merkur, local contractor, is proceeding with the building of a new house in North Toronto.

Suspend Hearings On Atlas RKO Offer

Hearings on the Atlas Corp. offer to underwrite $1,500,000 of new RKO common stock have been suspended for "two weeks or a month," Special Master George W. Alger said Friday. He explained the delay is "due to the unsettled market conditions resulting from the European war."

The Atlas offer expired Aug. 29, the deadline for its acceptance by the Federal court and the company. However, no formal notice of its withdrawal has been served on the court or interested parties by Atlas.

An RKO reorganization attorney who, however, is not associated with Atlas Corp., stated on Friday that

(Continued on page 2)

Lee Neebury New Leader Of N. J. Allied

ATLANTIC CITY, Sept. 10.—Lee W. Neebury of Belman was elected president of the Allied of New Jersey at the closing session of the three-day convention on Friday.

Other officers are: Maury Miller of Passaic and Ralph Wilkins of Pitman, vice presidents; David Snaper, New Brunswick, treasurer; Harry W. Lowenstein, Newark, secretary.

Harry Hecht, Passaic; Mrs. Helen Wuldinger, Trenton, and Harry Kridel, Newark, were elected directors for three-year terms. George Gold, Newark, and Jack Unger, Hillside, were named directors for one year.

A product survey among members showed very little change from last year in the film rental charges, except that more percentage deals were being demanded.

The membership saw dangers in additional major companies producing trailers. Members contended that this service should be left to trailer companies.

Movie Hit Parade Scores in Boston

Tremendous crowds greeted the start of the Loew's and Poli New England Theatres Movie Hit Parade and Crosley Motor Cavalcade in Boston late last week.

Mayor Tobin of Boston cut a ribbon to start the parade, which extended for 15 blocks, with numerous bands and a fleet of 10 Crosley cars driven by Connecticut college girls. Newsreels and local papers gave strong coverage to the event.

The parade went to Worcester on Friday, then to Providence, Springfield, Hartford, Meriden, Waterbury, New Haven and Bridgeport. It comes to New York for a Broadway parade and to the Crosley exhibit at the World's Fair next Saturday.

The Loew Poli activities in New England were handled by Harry F. Shaw, division manager; Lou Brown, publicity director, and, in Boston and Providence by H. M. Addison, Joseph Dipesa and Joseph Longo.

Freeman Honored By Para's Officials

Paramount home office officials tendered a farewell luncheon to Y. Frank Freeman, vice-president and studio head, at Sardi's on Friday. Freeman left for the Coast the same afternoon after a two-week home office visit. At the luncheon were Barney Balaban, John W. Hicks, Austin Keough, Leonard Goldenson, M. A. Gowthorpe and George Weltner.

'Women' Approved

PROVIDENCE, Sept. 10.—Although it had banned "The Women" from stage performances here as "cheap, low-down stuff," the Providence Bureau of Police and Fire after a special screening of the film version gave the picture a clean bill of health for exhibition at Loew's State.

Purely Personal

MR. AND MRS. NATE BLUMBERG and family, MRS. AL LICHTMAN, BING CROSBY, MERLIN H. AYLESWORTH, JOHN HICKS arrived in New York Friday on the 20th Century from the Coast.

•

VIRGINIA VALE, recent winner of the "Gateway" talent search, has announced her engagement to JOHN FRAZIER, NBC announcer. Coincidentally, ROBERT STANTON, also a "Gateway" winner, featured with MISS VALE in RKO's "Three Sons," has made known his forthcoming marriage to BARBARA VAN BRUNT, singer.

•

MARCEL PAGNOL, French producer, has cancelled his plans to come to the United States. He has joined his regiment on the Western Front, according to word received here.

•

MR. and MRS. STANLEY J. MAYER of Des Moines, celebrated their 10th wedding anniversary recently. MAYER is manager of the 20th Century-Fox exchange there.

•

MARY PICKFORD was crowned queen of the fifth annual National Tobacco Festival by Governor Price of Virginia on Friday at ceremonies in South Boston, Va.

•

CAROLE LOMBARD, accompanied by her husband, CLARK GABLE, is recuperating in the High Sierras following an appendicitis operation.

•

GERALD HOLLAND, script writer on KMOX, St. Louis, has joined the writing staff of NBC and is now at Radio City.

•

CHARLES D. PRUTZMAN, Universal vice-president, arrived from the Coast over the weekend after a three-week stay at the studio.

•

SALLY EILERS, and her husband, HARRY JOE BROWN, producer, are in New York on vacation.

•

MILDRED GORDON, wife of WILL GORDON, is ill at the Community Hospital.

•

MARJORIE UHFELDER of WHN was married to RAYMOND KANTROWITZ yesterday.

CLIFF WORK, Universal studio head, will be guest of honor at a luncheon being tendered him by NATE J. BLUMBERG, president, at the Rainbow Grill today. WORK arrived from the Coast over the weekend.

•

ARTHUR M. LOEW, vice-president of Loew's, Inc., in charge of foreign activities, returned to the Coast over the weekend to cheer LOUIS CHATIN, a director of M-G-M in France, who is recovering from an illness which he suffered while visiting in Hollywood.

•

WILLIAM SUSSMAN, 20th Century-Fox Eastern division manager, is on a tour of branches with M. A. LEVY, Kent drive leader. W. C. GEHRING, central division head, is back from a similar trip in connection with the drive.

•

LEONARD GOLDENSON and LEON NETTER of the Paramount home office theatre department are on an inspection tour of the company's theatre operations in Detroit, Chicago and Minneapolis.

•

HERBERT DRAKE, representative for ORSON WELLES, who is now on a production assignment for RKO, is in New York from the Coast for a month's visit.

•

MRS. HELEN DALY, New York secretary to ED KUYKENDALL, M.P.T.O.A. president, left for a vacation cruise to Havana on Saturday.

•

WILLIAM JENKINS of the Lucas & Jenkins Circuit has returned to Atlanta after a visit of about a week in New York.

•

ROBERT GILLHAM, Paramount advertising and publicity director, will be at the Hollywood studio for another week.

•

HARRY M. WARNER, president of Warner Bros., arrives on the Coast today.

•

STEVE FREELAND of 20th Century-Fox publicity is back on the job from jury duty.

MPTOA Directors To Meet on Oct. 23

Having abandoned plans for holding a national convention this year, M.P.T.O.A.'s board of directors will convene instead at Greenbrier Hotel, White Sulphur Springs, Va., on Oct. 23 and 24.

The board may make plans at that time for holding a national convention some time next Spring.

Para. in SEC Plea

WASHINGTON, Sept. 10.—Columbia Pictures on Friday applied to the Securities and Exchange Commission for registration of 2,627 shares of no par value common stock on the New York Curb Exchange, the stock to be registered upon notice of issuance.

Delay Para. Meeting

A meeting of the Paramount board which had been scheduled for today was postponed until tomorrow.

French Film Benefit Premiere Tonight

"The End of a Day," French film released in this country by Juno Films, Inc., of which I. E. Lopert is president, will have its American premiere tonight at the Filmarte for the benefit of the Actors' Fund of America.

The performance will be sponsored by Daniel Frohman, George M. Cohan, Katharine Cornell, Walter Hampden, Katharine Hepburn, May Robson, Otis Skinner and Laurette Taylor.

Lab Union's Report

Receipts of Laboratory Technicians Union, Local 702, exceeded disbursements by $5,839 for the year ending July 31, annual statement published in *The Magazine*, official organ, revealed over the weekend. Total income was $37,119, of which $23,105 was from dues, $9,380 from strike assessments, and $963 from initiation fees.

65% of British Theatres End War Closing

(*Continued from page* 1)

Board of Trade to receive deputations which would state the viewpoints of the groups.

With complete unanimity of opinion both groups contend that suspension of the qutota would be catastrophic and would mean the extinction of the British film industry. They point to the lesson of 1914-1918, and the capture then by the United States of the British film market. They point to the vital national and international role to be played by British films in the present situation.

Suspend Hearings On Atlas RKO Offer

(*Continued from page* 1)

the offer had not been withdrawn because Atlas merely is "marking time" to gauge the effects of the war on the film industry and RKO. He asserted that the offer is not to be considered as non-existent.

However, when an Atlas Corp. official was apprised of these statements and asked whether they represented the investment company's position, he countered that the terms of the underwriting offer are a matter of court record and "speak for themselves."

"The offer expired Aug. 29," he said, "and to assume that it will be reestablished is presumptuous at this time."

'Rains Came' Opens In Mansfield, Ohio

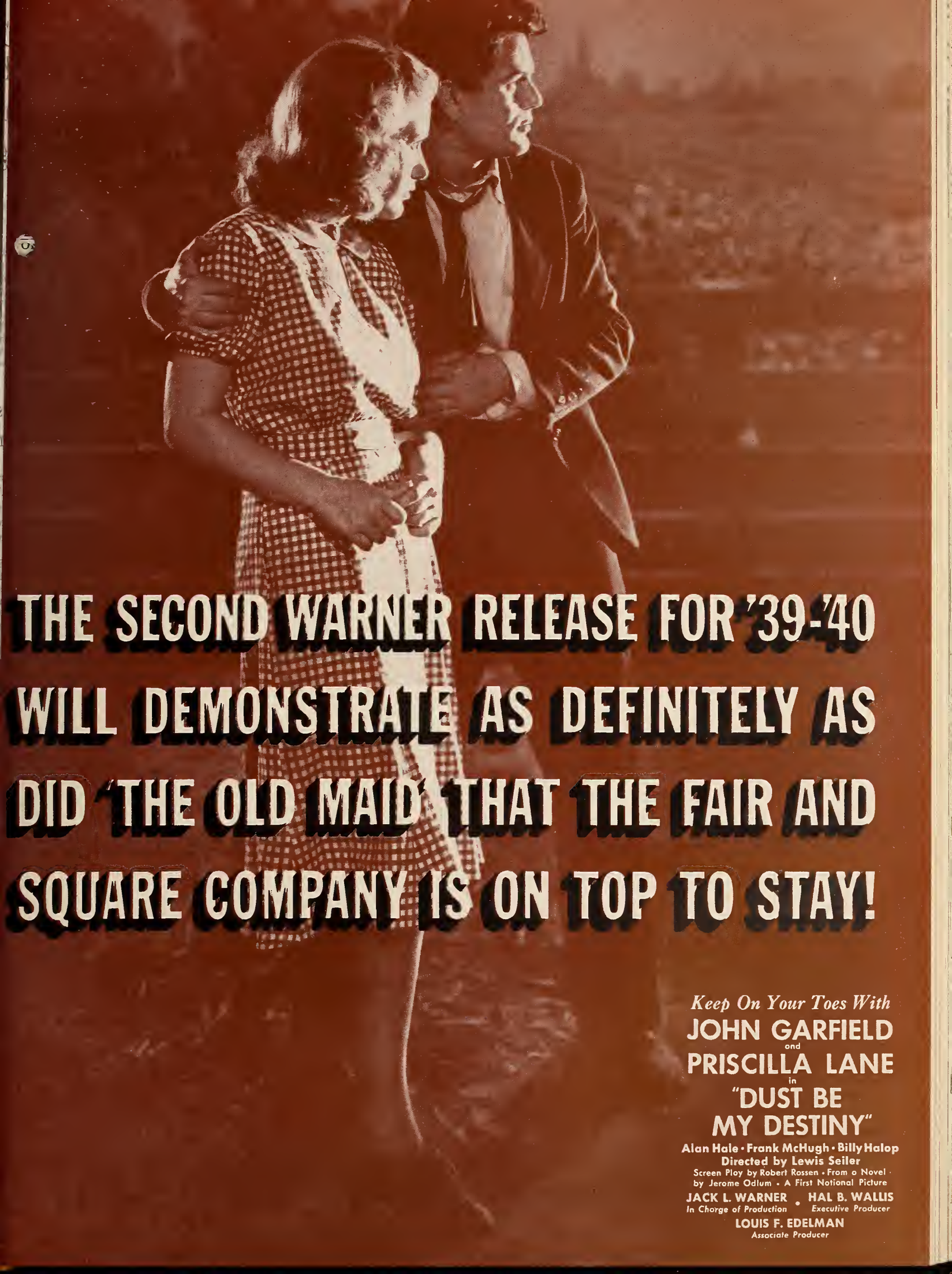
MANSFIELD, O., Sept. 10.—Warner's Ohio and Madison were sold out on a reserved seat basis for Friday night's opening of "The Rains Came," held day and date with the Roxy in New York.

Louis Bromfield, the author, of the story from which the film was made, residing on a nearby farm, was the guest of honor at a dinner at the Mansfield-Leland Hotel preceding the premiere. Bromfield's parents, visiting here from New York, were among the guests.

MOTION PICTURE DAILY

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THE SECOND WARNER RELEASE FOR '39-'40 WILL DEMONSTRATE AS DEFINITELY AS DID 'THE OLD MAID' THAT THE FAIR AND SQUARE COMPANY IS ON TOP TO STAY!

Keep On Your Toes With

JOHN GARFIELD
and
PRISCILLA LANE
in
"DUST BE MY DESTINY"

Alan Hale • Frank McHugh • Billy Halop
Directed by Lewis Seiler
Screen Play by Robert Rossen • From a Novel by Jerome Odlum • A First National Picture

JACK L. WARNER
In Charge of Production
•
HAL B. WALLIS
Executive Producer

LOUIS F. EDELMAN
Associate Producer

'In Name Only' Denver Lead With $10,000

DENVER, Sept. 10.—"In Name Only" and "Miracles for Sale," at the Orpheum, grossed $10,000. "Goodbye, Mr. Chips" took $5,000 in the third week at the Aladdin.

Estimated takings for the week ending Sept. 6:

"Goodbye, Mr. Chips" (M-G-M)
ALADDIN—(1,400) (25c-40c) 7 days, 3rd week. Gross: $5,000. (Average, $3,500)
"Lady of the Tropics" (M-G-M)
"Rookie Cop" (RKO)
BROADWAY — (1,024) (25c-35c-40c) 7 days, 2nd week, a week at the Orpheum. Gross: $3,000. (Average, $2,500)
"The Star Maker" (Para.)
DENHAM—(1,750) (25c-35c-40c) 4 days on second week. Gross: $6,000.
"Beau Geste" (Para.)
DENHAM—(1,750) (25c-35c-40c) 3 days. Gross: $6,000. (Average for week, $6,500)
"Four Feathers" (U. A.)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: $9,000. (Average, $9,000)
"In Name Only" (RKO)
"Miracles for Sale" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $10,000. (Average, $9,000)
"I Stole a Million" (Univ.)
"Cowboy Quarterback" (W. B.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $3,500. (Average, $3,500)
"Stanley and Livingstone" (20th-Fox)
"Forgotten Women" (Univ.)
RIALTO—(878) (25c-40c) 7 days. "Stanley and Livingstone" 3rd week. Gross: $2,500. (Average, $1,750)

Ontario Will Avoid War Ticket Tax

TORONTO, Sept. 10.—The Ontario legislature will meet Sept. 19 to vote upon war measures, but Hon. Harry Nixon, provincial secretary, said resumption of the amusement tax is not contemplated for the present.

Theatre performances in Ontario cities will continue but Nixon intimated that the length of the war and the resulting burden would determine the future war levy decision.

During the World war Ontario adopted a ticket tax measure.

Garyn Sells Film To Texas Circuits

W. P. (Pat) Garyn, who is handling independent pictures in the south, out of Dallas, has sold the Hoffberg Zane Grey picture, "Rangle River," to Interstate and Griffith circuits.

The Interstate circuit covers Texas and is a Paramount affiliate. Griffith Theatres, Inc., also operates in Texas, with headquarters in Dallas.

17 Cuts by Ohio Censor

COLUMBUS, Sept. 10.—Ohio censors reviewed a total of 593 reels in August, from which 17 eliminations were ordered. This compares with 452 reels reviewed, and nine eliminations ordered in July. Figures for August, 1938, were 546 reels, 55 eliminations, and seven reels rejected.

Gets WING Option

DAYTON, O., Sept. 10.—Charles Sawyer, legal counsel for the Crosley Corp., Cincinnati, has assumed charge of station WING here under an option to purchase at $100,000. The option expires June 1, 1940. The transaction is purely a personal one and without connection with the Crosley stations in Cincinnati, Sawyer declared.

Theatre, Personnel Notes

Century Circuit Shifts Men

Century circuit has made the following changes in personnel: Ed Freiberger transferred from Marine Theatre, Brooklyn, to the Fantasy, Rockville Center; E. Friedman from the Fantasy, Rockville Center, to the Grove, Freeport; Ed Cline from the Grove, Freeport, to the Freeport, in Freeport; Monroe Schram from the Freeport to the Sunnyside, Long Island City; Jack Weinstein from the Sunnyside to the Avalon, Brooklyn; R. S. Tretler from the Avalon to the Marine, Brooklyn; F. W. Brunelle from the Bliss, Long Island City, to the Queens, Queens Village; Walter Smith from the Queens to the Bliss, Long Island City; L. Freund from the Patio, Brooklyn, to the Kingsway, Brooklyn; William Applegate from the Kingsway to the Patio, Brooklyn.

Sparks Complete House

FORT LAUDERDALE, Fla., Sept. 10.—The New Florida Theatre, the $200,000 house just completed by Sparks Theatres, will open Tuesday. It seats 1,266.

Plans Texas Theatre

WHITESBORO, Tex., Sept. 10.—Tom Mitchell, who has been in the theatre business in Denton, will open a new theatre here.

Plan Cincinnati House

CINCINNATI, Sept. 10.—The Cincinnati *Times-Star Building*, old downtown landmark, is being razed to make way for a 700-seat theatre to be erected by Gifts, Inc., of which Ike Libson is executive head.

Plans New Equipment

NAUGATUCK, Conn., Sept. 10.—Lou Anger has contracted for installation of projectors in the 400-seat Alcazar.

Renovate Conn. House

DEEP RIVER, Conn., Sept. 10.—Essex Theatre Corp., which recently acquired the Pratt, will renovate the house. It will be named the Deep River and will be reopened Oct. 1.

Warners Reopen Tremont

ANSONIA, Conn., Sept. 10.—Warners will reopen the Tremont, only closed Warner house to be closed this summer in this district, on Sept. 15, on a three-a-week schedule.

Quittner to Open House

JEWETT CITY, Conn., Sept. 10. — Joseph Quittner and Peter Perakos will open the new 700-seat State on Sept. 10. Finn's, the former theatre of this town, was seriously damaged last year in the hurricane, and films have been shown in the high school part time since then.

Rivoli in Troy Opens

TROY, N. Y., Sept. 10.—The Rivoli here has been opened under new management after a closed period for renovations. The new owner is Adolph Cohen.

Reopens in Schenectady

SCHENECTADY, N. Y., Sept. 10.—Sid Dwore has reopened the Lincoln, closed for the summer, during which extensive alterations were made.

Shift Philadelphia Policy

PHILADELPHIA, Sept. 10.—Keith's has returned to weekly second run showings after five days of a new "neighborhood" policy proved unsuccessful.

Stanley-Warner has shifted several managers following Keith's reopening. Jack Goldman is the new manager at Keith's, going there from the Imperial. Goldman is succeeded at the Imperial by George Kemble, formerly of the Capitol. Kemble's place has been taken by Herman Comer, formerly of the Imperial, and Comer's post is now filled by Richard Raesly, former manager of the Holme, Holmesburg.

Indiana to Reopen

INDIANAPOLIS, Sept. 10.—The Indiana, 3,200-seat first run, will reopen Sept. 15 with "In Name Only." Kenneth Collins is manager. The house, largest in the state of Indiana, has closed each summer for six years.

Resuming Stage Shows

INDIANAPOLIS, Sept. 10.—The Circle, which played several stage shows last Winter to sizable grosses, will repeat the policy this Fall and Winter. First stage show opens Sept. 15, with "Follies Bergere" on the boards.

Take Philadelphia House

PHILADELPHIA, Sept. 10.—Sablosky & Fox have bought the Holme Theatre from the Stanley-Warner Co. for a price reported to be $125,000. The theatre, which seats 1,800, will be under the personal supervision of Melvin Fox, son of Jacob Fox.

Shift Loew-Poli Men

WORCESTER, Mass., Sept. 10.—With the resignation of Edward Dolan as assistant of the Loew-Plaza, Russell Moriarty, student assistant at the Loew-Poli, has been promoted to fill the post.

Designs Theatre Interior

WINDSOR, Conn., Sept. 10.—Mrs. Joseph Shulman of Hartford has designed the interior of the new 600 seat Plaza, under construction by the Shulman interests.

Prices Cut in Frisco

SAN FRANCISCO, Sept 10.—Summer reduction in admission prices at all first run houses, to within 10 cents of tariffs charged by subsequent runs, is seriously affecting business of the latter.

Pickus to Reopen House

NEW HAVEN, Sept. 10.—Al Pickus, operator of the Stratford, reopened the renovated Annex, now called the Fairmont, today. The house has been reseated and renovated.

Remodeling in Stamford

STAMFORD, Conn., Sept. 10.—Sam Weiss is remodelling the front and lobby of the Stamford Theatre.

Warners Reopen Troy

TROY, N. Y., Sept. 10.—Warner's Troy has reopened after having been closed since Aug. 7. Approximately $35,000 was expended for complete renovation, equipment and marquee, new box office and lobby.

100 Join CBS To Coordinate Air Education

Approximately 100 CBS stations have designated their own educational directors as part of a plan for expanding CBS educational programs, completed by Sterling Fisher, director of education for the network.

Three new regional directors have been appointed to coordinate the educational broadcasts. New directors are Lloyd G. del Castillo, program director of WEEI, Boston, for New England; Mrs. Lavinia S. Schwartz, education director of WBBM, Chicago, for the Middle West, and Mrs. Frances Farmer Wilder, KNX, Hollywood, for the Pacific Coast.

Fisher, in cooperation with WBBM, has arranged a meeting of Midwest directors for Sept. 21 and 22 at Chicago. Problems of correlating network and local programs and cooperation between educators and broadcasters throughout the country will be discussed.

NBC Revises Rates Effective October 1

NBC has just issued a new rate card, marking the first general rate revisions by the network since 1938.

An increase in rate for 16 per cent of the network's stations has been instituted, a decrease in rate for 10 per cent of the stations, and no rate change in the remaining 74 per cent of the 174 stations listed in the card.

For the "preferred" hours between 8 and 10 P. M. on the Red network, discounts to advertisers have been reduced from 7½ to 2½ per cent. All changes become effective Oct. 1.

New Companies Formed

ALBANY, Sept 10.—New incorporations of theatrical and film companies here include: Chrystie Amusement Corp., by T. S. Robinson, Eugene L. Jabush and A. M. Hackel; B. G. R. Theatre Corp., by Irving Ribman, Saffe Albert and Harry Friedman; Studio Enterprises, Inc., by Paul Cohn, Michael J. Drew and Pauline Polner, and Bab Theatres, Inc., by David Babich, Benjamin Davidson and E. M. Kahn.

Purchase 'Tanganyika'

HOLLYWOOD, Sept. 10.—Twentieth Century-Fox has bought the film rights to "The Tanganyika Exploit," account of a World War battle on Lake Tanganyika which gave the British control of the African territory. The film probably will be made in color. Director Otto Brower will head an expedition to Africa in January.

Sues on Game Action

MILWAUKEE, Sept. 10.—Police Chief Joseph Kluchesky has been given until Sept. 20 to file a reply to an action started in Federal court here by Hollywood Amusement Co., Inc., Chicago, to restrain the chief from interfering with the playing of the game Hollywood in local theatres.

"THE RAINS CAME"

blasts sensational opening-day records of "JESSE JAMES" and "STANLEY and LIVINGSTONE" at Roxy, New York!

FLASH REVIEW

HOLLYWOOD, SEPT. 7. - "THE RAINS CAME" (20TH-FOX) - AGAIN ZANUCK SQUADRON STAGES BOMBARDMENT OF HIGH-POWERED ENTERTAINMENT, REVERBERATIONS OF WHICH SHOULD CRASH THROUGH EVERY SHOWING TO ECHO AND RE-ECHO SUBSTANTIAL PROFITS. FILM VERSION OF LOUIS BROMFIELD'S WIDELY-DISCUSSED BEST-SELLER ENSNARES ELEMENTS TO CAPTIVATE ALL THEATRE PATRONS, REGARDLESS OF INDIVIDUAL TASTES. BITTER-SWEET LOVE STORY FOR ROMANTIC; BRITTLE DIALOGUE AND INNUENDO FOR SOPHISTICATES; BREATH-TAKING EARTHQUAKE AND FLOOD FOR LOVERS OF SWEEP AND SPECTACLE; AND FOR THOSE WHO DESIRE MORAL TO GARNISH THEIR FILM FARE, REDEMPTION AND CLEARING OF SULLIED SOULS IN CRUCIBLE OF CATASTROPHE. ALL OF THESE EMOTIONS ARE ENTRUSTED TO CAPABLE TALENTS OF AS IMPRESSIVE AND STAR-STUDDED A CAST AS HAS BEEN CONVENED BEFORE ONE CAMERA IN MANY MONTHS, A CAST WHICH NEVER FAILS IN ASSIGNMENT AND WHICH IS BOLSTERED BY UNSTINTINGLY LAVISH PRODUCTION AND MASTERFUL DIRECTION. HARRY JOE BROWN, ASSOCIATE PRODUCER; CLARENCE BROWN, DIRECTOR.

BOXOFFICE
The Pulse of the Motion Picture Industry

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

'Women' Hits Fine $40,500 In L. A. Spots

LOS ANGELES, Sept. 10.—"The Women" and "News Is Made at Night" was the winning bill here, with a total of $40,500 at the Chinese and Loew's State, $20,500 at the Chinese and $20,000 at Loew's State.

Estimated takings for the week ending Sept. 6:

"The Women" (M-G-M)
"News Is Made at Night" (20th-Fox)
CHINESE—(2,500) (30c-$1.00) 6 days. Gross: $20,500. (Average, $12,500)
"Four Feathers" (U. A.)
4 STAR—(900) (40c-50c) 7 days. 3rd week. Gross: $6,900. (Average, $3,250)
"In Name Only" (RKO)
"Missing Daughters" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days. 2nd week. Gross: $8,900. (Average, $6,500)
"The Women" (M-G-M)
"News Is Made at Night" (20th-Fox)
LOEW'S STATE—(2,500) (30c-$1.00) 6 days. Gross: $20,000. (Average, $14,000)
"In Name Only" (RKO)
"The Man They Could Not Hang" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days. 2nd week. Gross: $7,800. (Average, $7,000)
"The Star Maker" (Para.)
"Exile Express" (G. N.)
PARAMOUNT—(3,595) (30c-65c) 7 days. 2nd week. Gross: $13,500. (Average, $15,000)
"Each Dawn I Die" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. 2nd week. Gross: $8,700. (Average, $14,000)
"Each Dawn I Die" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. 2nd week. Gross: $11,300. (Average, $12,000)

SAG Holds Class A Elections October 1

Annual elections of Class A members of the Screen Actors Guild, postponed because of the jurisdictional fight with the I.A.T.S.E., will be held at a special meeting Oct. 1. Officers are elected for one-year terms and 11 of the 33 directors are elected each year for three-year terms. Class B members choose their council in April.

Those designated by the nominating committee are Ralph Morgan, president; James Cagney, first vice-president; Joan Crawford, second vice-president; Edward Arnold, third vice-president; Porter Hall, treasurer; Paul Harvey, recording secretary; Walter Abel, James Cagney, Joan Crawford, Dudley Digges, John Garfield, Frank McHugh, Robert Montgomery, George Murphy, Irving Pichel, Elizabeth Risdon and Dorothy Tree, directors.

New Corporations For Foreign Films

ALBANY, Sept. 10.—Three new corporations have been filed here by Arthur Mayer and Joseph Burstyn, independent foreign motion picture distributors, with the Secretary of State. They are Arthur Mayer and Joseph Burstyn, Inc., Maybur Katia, Inc., and Maybur, Louise, Inc. All are incorporated with 100 shares of no par value and were filed by Jerome Edwards, attorney. Mayer-Burstyn, Inc., a fourth corporation, was filed several weeks ago.

Edwards stated that the corporations would continue the foreign film distribution business of Mayer and Burstyn. Sufficient films are on hand to continue their usual distribution of 12 foreign films annually for the next two years, Burstyn said.

Short Subject Reviews

"The Story That Couldn't Be Printed"
(M-G-M)

An effective portrayal of the trial and the episodes leading thereto of the Colonial printer and publisher, John Zenger, who dared print news hitherto forbidden, and in being acquitted thus laid the foundation for the freedom of the press in America. With John Nesbitt narrating in his usual effective fashion, the subject reveals how Zenger fearlessly reported the crooked activities of Governor Crosby and the persecutions that were visited upon Zenger and his family thereafter, including imprisonment and the wrecking of his printing establishment; the trial and the defense speech of lawyer Andrew Hamilton which is now known to be one of the greatest courtroom speeches in American history. Running time, 11 mins.

"Rhumba Rhythm"
(MGM)

Hollywood's favorite rendezvous, La Conga, is the setting for some lessons in the fine art of rhumba dancing. A pair of young visitors to Hollywood crash La Conga, and the girls wind up on the dance floor in the rhumba contest and win the prize. Among the Hollywood celebrities seen seated and dancing in La Conga are George Murphy, Chester Morris, Mickey Rooney, Jack Smart, John Garfield, Lionel Stander and others. Running time, 10 mins.

"Auto Antics"
(M-G-M)

"Our Gang" goes in for a soap-box derby. Butch, the bully, has a zippy model. And Buckwheat and Porky each have fairly good looking cars. But Alfalfa and Spanky build their's out of planks of discarded wood and other junk and instead of using pedals for propulsion they use rockets. Butch tries to sabotage the rocket car but Alfalfa's dog saves the machine, only to wind up in the dog pound. Alfalfa and Spanky win the race and the $5 prize in the nick of time to save the pup. Running time, 10 mins.

"Public Hobby Number 1"
(Paramount)

A short subject which can really draw plenty of patrons to the box-office if properly exploited. Philately is beyond question "Public Hobby Number One" with plenty of addicts in every community. Made with the co-operation of the Post Office and the Bureau of Engraving, the reel shows some of the real stamp treasures of the country and then goes behind the scenes to show how the United States makes its stamps. Running time, 11 mins.

"A Desert Adventure"
(Paramount)

Here is Grantland Rice Sportlight of those two desert dwellers, Ken and Walt Wilhelm. Once more they set out in a jaloppy rebuilt for desert travel and equip themselves with bow and arrow and a dart-shooting blowgun. Some plain and fancy shooting are shown, ending with one of the brothers trapped between a wildcat and a rattlesnake. Running time, 10 mins.

"Catching Whoppers"
(Paramount)

Portrayal of one of the most exciting sports of all, big game fishing, is the subject of this Grantland Rice Sportlight. After a few shots of the capture of several varieties of game fish, the reel takes up a tuna tournament. Every phase of the capture is shown, with both the standard and slow motion camera. Excitement for everybody. Running time, 10 mins.

"Popular Science, J 9-1"
(Paramount)

A varied and interesting reel of the latest scientific and pseudo-scientific developments. Roads made of cotton, an ultra-modern kitchen, a British medical school and hospital for women only, Pacific Clippers, and a gadget to harness the "jaw power" of the nation's gum-chewers are included. Done in color. Running time, 11 mins.

"Ecuador"
(Paramount)

This Color Cruise is devoted to the mountainous country located on the earth's Equator. Done with an eye to variety, the reel shows homes, churches, Indians, industries and civic centers. An interesting addition to program. Running time, 10 mins.

"Kennel Kings"
(RKO Pathe)

Dog lovers will find this altogether delightful dog show a rare treat. For a dog show it is, with every variety and breed competing for the title of the best dog. Each class has its winner and then all try for the grand prize. Excellently presented. Running time, 9 mins.

"Zoo"
(RKO Pathe)

In an unusual zoo in St. Louis, animals are permitted to roam about in surroundings which approximate their native habitats. More domesticated animals walk among the crowds of visitors. This "Sportlight" shows the collection and varies it with shots of training stunts. Worthwile. Running time, 9 mins.

"Pack Trip"
(RKO Pathe)

Those who love the wide open spaces will find excitement aplenty in this adventure on a western dude ranch. Guests of the ranch go on a long pack trip, with its steady riding, dangerous climbs and overnight camping. An adventure frequently longed for, this reel packs audience appeal. Running time, 9 mins.

"Nevada Unlimited"
(RKO Pathe)

This is a story of the state whose "dust after a wind storm assays at a dollar a ton." Abandoned mining towns are contrasted with thriving copper mines and a glimpse is given of the civic functions of Nevada. Highlight of the reel is a picture of Reno, the "wide open" city. Home of the quick divorce, the city is also host to legalized gambling. After showing the gambling clubs, the reel advises against gambling. Running time, 8 mins.

'Golden Boy' Tops Seattle With $7,000

SEATTLE, Sept. 10.—"Golden Boy" headed the list here, with $7,000 at the Liberty. "The Star Maker" and "The Forgotten Woman" drew $7,100 at the Paramount, and "Four Feathers" accounted for $5,300 at the Music Box. The reopening of school and night baseball hurt some. The weather was fair.

Estimated takings for the week ending Sept. 8:

"Stanley and Livingstone" (20th-Fox)
"Quick Millions" (20th-Fox)
BLUE MOUSE—(950) (25c-30c-40c-55c) 7 days, 3rd week. Gross: $3,700. (Average, $4,000)
"Wizard of Oz" (M-G-M)
FIFTH AVENUE—(2,500) (25c-30c-40c-55c) 7 days, 2nd week. Gross: $5,400. (Average, $7,000)
"Golden Boy" (Col.)
LIBERTY — (1,800) (25c-30c-40c-55c) 7 days. Gross: $7,000. (Average, $5,000)
"Four Feathers" (U. A.)
MUSIC BOX—(950) (25c-30c-40c-55c) 7 days. Gross: $5,300. (Average, $5,000)
"Hotel for Women" (Para.)
"They All Come Out" (M-G-M)
ORPHEUM—(2,450) (25c-30c-40c) 7 days. Gross: $5,000. (Average, $6,000)
"The Star Maker" (Para.)
"The Forgotten Woman" (Univ.)
PARAMOUNT — (3,050) (25c-30c-40c) 7 days. Gross: $7,100. (Average, $6,000)

'Women' Grosses $17,000, Cincinnati

CINCINNATI, Sept. 10.—"The Women" had a smash $17,000 at the RKO Albee, and "The Wizard of Oz" gave the RKO Capitol a big $9,800 second week. "The Man in the Iron Mask" pulled $11,500 at the RKO Palace.

Estimated takings for the week ending Sept. 6-9:

"The Women" (M-G-M)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $17,000. (Average, $12,000)
"The Man in the Iron Mask" (U. A.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $11,500. (Average, $10,000)
"Stanley and Livingstone" (20th-Fox)
RKO SHUBERT—(2,150) (35c-40c) 7 days. 3rd week. Gross: $3,900. (Average, $10,000)
"The Wizard of Oz" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $9,800. (Average, $6,500)
"The Star Maker" (Para.)
RKO LYRIC—(1,400) (25c-40c) 7 days, 2nd week. Gross: $4,200. (Average, $5,000)
"Mr. Wong in Chinatown" (Monogram)
"Smuggled Cargo" (Rep.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: $1,075. (Average, $1,500)
"Million Dollar Legs" (Para.)
"Renegade Trail" (Para.)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: $875. (Average, $900)
"In Name Only" (RKO)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $4,600. (Average, $6,000)

'Star Maker' Omaha Winner With $8,600

OMAHA, Sept. 10.—"The Star Maker" pulled an excellent $8,600 at the Omaha. "In Name Only" was good for $5,600 at the Brandeis.

Estimated takings for the week ending Sept. 6-7:

"In Name Only" (RKO)
"The Spellbinder" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $5,600. (Average, $4,000)
"The Star Maker" (Para.)
"Stronger Than Desire" (M-G-M)
OMAHA—(2,200 (25c-40c) 7 days. Gross: $8,600. (Average, $6,000)
"When Tomorrow Comes" (Univ.)
"Ex-Champ" (Univ.)
ORPHEUM — (3,000) (25c-40c) 7 days. Gross: $8,200. (Average, $7,600)

No War Cuts In Production By Warners

HOLLYWOOD, Sept. 10.—Warner Brothers will not curtail production, spread release schedules of big pictures or otherwise cheapen 1939-'40 product in the face of a potential loss of 25 per cent of normal revenue due to theatre closings in England and France.

This assurance was given Friday by Jack L. Warner at a press conference.

On the contrary, he said, the company will release in the next four months ten quality pictures, and plans more, rather than fewer, features than were announced for the season.

No salary or wage cuts will be instituted and no curtailment of personnel will take place, Warner added, although a general tightening of operations to eliminate unnecessary expense, such as previously contemplated expansion of the studio laboratory facilities, is expected.

Warner made it plain that such economies as may be invoked will not be of a kind to diminish the quality or quantity of product, adding that adherence to high entertainment standards is essential in this or any crisis.

Plans for production in England, normally amounting to 16 quota pictures, are cancelled, however.

Asked whether the studio would produce more pictures similar in character to "Confessions of a Nazi Spy," Warner replied in the negative, mentioning that the production of "Underground," for instance, has been stopped.

Warner commented:

"America is neutral, and we are Americans. Our policy is 100 per cent neutrality. I produced 'My Four Years in Germany' in 1915, and other propaganda pictures, for the public health service and the Signal Corps. There will be no propaganda pictures from Warner Brothers this time."

Harry Warner to Coast

Harry M. Warner, president, prior to his departure for the Coast Friday from New York, said that Warners big budget films will be produced on schedule despite war conditions. He returned last week from Europe.

Ampa Holds First Luncheon Sept. 28

Ampa will start its season's activities with a luncheon meeting designated as "Past Presidents' Day," scheduled Sept. 28.

The purpose is to honor past presidents, who will be invited to give the members suggestions on how to make Ampa a service to the industry. Among those who will be invited are Charles E. McCarthy, Howard Dietz, William R. Ferguson, Ralph Rolan, Gordon S. White, Hal Horne and others.

For the first meeting, the directors have made arrangements with a restaurant at 5th Ave. and 44th St.

Set 'Cavell' Opening

"Nurse Edith Cavell" will follow "Golden Boy" into the Music Hall under booking arrangements just completed. The Herbert Wilcox production is expected to open Sept. 21.

Insider's Outlook

By SAM SHAIN

TWENTY years along Broadway—it doesn't seem that long to Charles McDonald, metropolitan New York division manager of RKO Theatres, under John J. O'Connor.

In the past two decades he has, of course, experienced much; heard all kinds of gags; encountered and become acquainted with an unusual number of personalities. His sense of humor undoubtedly has helped him toe the line in his daily operations.

TO McDonald, one of the best gags spouted by a customer occurred one Thanksgiving Day in a Jamaica house. On that day, a large sign in front of the theatre carried the legend that 12 turkeys were to be given away at the theatre that night to lucky customers. Also, so-and-so in "College Scandal." And a customer passing by on his way into the theatre remarked:

"Ah, 13 turkeys!"

THE manager of one of RKO's uptown houses supervised by McDonald was summoned to the telephone:

"Are you playing 'Joe Palooka' tonight?"

"Madame," replied the manager, "we are playing two palookas."

McDONALD likes to recall the time when "Frankenstein" played at the Mayfair, under RKO's direction. The picture ran for two weeks in December, 1931. The theatre, seating 1,706, played to 76,307 paid admissions, grossing $53,841, on the first week.

McDonald claims that, from a comparative standpoint, this would mean $140,000 for the Capitol, with 4,465 seats, and for the Roxy, with 5,586 seats, a gross of $175,000.

McDONALD believes that the single day's record for the number of times run is held by the Dempsey-Firpo fight picture. It was shown 27 times at the old Broadway on Saturday, Sept. 15, 1923, the day following the bout.

Then, to settle an argument about the fight, the film was run again at midnight for a selected audience consisting of the late William J. Flynn, chief of the U. S. Secret Service; Hypo Igoe, sports writer, then on the old *World*; the late Arnold Rothstein, Jack Bleek, John Barrymore and last, but not least, Jack Dempsey and Firpo.

INCIDENTALLY, Larry Waterman, an RKO alumnus and secretary to Nate Blumberg, president of Universal Pictures, discovered Gloria Jean, U's new child star. It was Waterman who, with his wife, an accomplished concert singer, heard the little girl sing one day at a party. He, thereafter, induced his superiors at Universal to give Gloria Jean an audition which sent her to Hollywood.

THE only film theatre stage door with a bullet imbedded in it—RKO's Jefferson on E. 14th Street—but McDonald will tell that one some other time.

Pick Board to Rule S. California I.T.O.

LOS ANGELES, Sept. 10.—Members of I.T.O. of Southern California at the annual meeting Friday abolished offices of president and directors and instead created Advisory Board to govern the policies of the organization.

R. H. ("Bob") Poole, business manager, was made executive director. Past President Albert A. Galston and Jack Berman, R. D. Whitson, Mrs. Jenne Dodge, C. A. Ferry, Al Gore, H. W. Bruen and Poole comprise the Advisory Board.

A statement on the trade practice agreement and local situation concessions, promised by W. F. Rodgers, co-chairman of the distributor-exhibitor negotiating committee on the code, was not received because I.T.O officials said Rodgers lacked time.

A complete report of past officers was unanimously approved by membership, which gave the new board "complete authority to continue the fine progressive policies established by the association during the past year."

Change Film Opening

"A Brivele Der Mamen," Joseph Green's newest Yiddish picture, previously announced to open at the Waldorf, will have its American premiere at the Belmont next Thursday.

Coast Flashes

HOLLYWOOD, Sept. 10.—Start of rehearsals and the signing of six supporting actors over the week-end marked Charles Chaplin's activities on "Production No. 6," also referred to as "The Great Dictator."

Signed to support the star, Paulette Goddard, and Henry Daniell were Emma Dunn, Maurice Moscovich, Bernard Gorcey, Max Davidson, Nellie Nichols and Esther Michelson.

Robert S. Taplinger, Warners studio publicity director, has had his contract extended for two more years starting Oct. 1.

Ben Judell of Producers Pictures Corp. will start shooting "Hitler—Beast of Berlin" on Sept. 14 with Sherman Scott directing. No cast has been set yet.

Museum Schedule Set

Museum of Modern Art, in its "Cycle of Seventy Films," has scheduled the following program for this week: Today, The Sociological Film; Tuesday, The Intimate photoplay; Wednesday, Stage into Screen; Thursday, The German Film Legend and Fantasy; Friday, War in Retrospect; Saturday, The Western Front; Sunday, Fairbanks and the Costume Piece.

Another Crisis

Warners are in a quandary over a pending "colossal" deal with Soviet Russia.

Some weeks ago Russian film officials inquired about "Confessions of a Nazi Spy" for Russia. Arrangements were made with Robert E. Schless, European manager at London, to send a print to Moscow.

In view of the Soviet-Nazi anti-aggression pact, officials are undecided about shipping a print.

The Russians also asked for a print of "Juarez," about the Mexican revolution. The Soviet has not bought an American film since "Modern Times."

Paramount Sales Chiefs in Chicago

CHICAGO, Sept. 10.—Neil F. Agnew, Paramount vice-president and general sales manager, presided over a sales conference with district managers and home office sales executives here Saturday and today.

Attending were J. J. Unger, eastern division manager; Charles Reagan, western division manager; Oscar Morgan, southern division manager; G. B. J. Frawley and Alec Moss from the home office; district managers M. S. Kusell, Harry Goldstein, William Erbb, Allen Usher, Ralph Libeau, G. A. Smith, H. F. Wilkes and Hugh Braly and M. A. Milligan, Canadian general sales manager.

There was a special screening of "Rulers of the Sea," "Disputed Passage," "Honeymoon in Bali," and "Seventeen."

War Not Affecting 20th-Fox Release

New season release schedule of 20th Century-Fox, as set up to Nov. 24, will not be affected by war conditions, according to the home office. The company has fixed release dates for 18 pictures. These will not be changed.

Herman Wobber, general sales manager, and Walter J. Hutchinson, foreign chief, are due back today from the studio where they discussed possible readjustments in the production schedule made necessary by the war. They arrived on the coast Thursday with Robert T. Kane, in charge of British production.

Auten Plea Denied

Application by Harold Auten for an examination before trial of officers of Societe Pathe Cinema, S. A., was denied on Friday by Supreme Court Justice J. Sidney Bernstein. The application was made in connection with Societe Pathe's action for $350,000 which it alleges is due it from distribution revenues on certain of its pictures. Auten has entered a counterclaim against the company for $17,500.

Charles Loewenberg Dies

MILWAUKEE, Sept. 10.—Charles Loewenberg, advertising and publicity director for Fox-Wisconsin Amusement Corp., died in Cincinnati, O., according to word received here by H. J. Fitzgerald, general manager of the amusement company. He is survived by his widow and a daughter.

Night Network Shows Attain Higher Rating

Average rating of all evening network programs during the Winter of 1938-1939 increased from 8.8 per cent to 9.3 per cent, and the number of evening shows rating 10 per cent or higher increased from 39 to 44, as compared with the previous Winter, according to a report just completed by the Cooperative Analysis of Broadcasting, compilers of the "Crosley Reports."

The number of daytime programs rating over five per cent was almost twice as great as during the previous Winter, the report states.

The report also indicates deviations in program preferences by economic groups. For example, programs such as Goods News, Ford Sunday Evening Hour, Cities Service Concerts, Human Side of the News, The Circle, Chase and Sanborn Hours, Edward G. Robinson's Big Town, Bob Benchley's Melody and Madness, Hour of Charm, Information Please, Saturday Night Serenade, appeal predominantly to higher income levels, whereas the programs of Carson Robinson, Plantation Party, Mary and Bob, Lum 'n' Abner, Major Bowes and National Barn Dance are cited as shows which appeal principally to the lower income levels.

The 10 leading programs for the Winter period, according to the report, were Chase & Sanborn, Jack Benny, Lux Radio Theatre, Kraft Music Hall, Major Bowes, Town Hall Tonight, Burns and Allen, Good News and Big Town.

Warner Manager's Meet Here Today

Sales plans under the new Warner merchandising policy will be discussed today when Warner district managers will meet at the home office with their sales managers, Ben Kalmenson, western and southern manager, and Roy Haines, eastern and Canadian manager.

Attending will be W. E. Callaway, West Coast district manager; Fred Jack, southern manager; Rud Lohrenz, Prairie manager; and Henry Herbel, midwest manager, who will meet with Kalmenson.

Meeting with Roy Haines will be Wolfe Cohen, Canadian manager; Robert Smeltzer, central manager; and Ed Schnitzer, eastern manager.

Gradwell Sears and Carl Leserman will supervise the meetings.

'Cavell' Previews

WASHINGTON, Sept. 10.—A series of previews of RKO's "Nurse Edith Cavell" in the East and South was launched Friday night at Keith's. Anna Neagle and Herbert Wilcox, star and producer of the film, addressed the audience personally following the showing. The preview tour continues to Atlanta, Dallas, New Orleans, Chicago and Cleveland.

Form Bi-Pal Theatres

ALBANY, Sept. 10.—Bi-Pal Theatres, Inc., has been incorporated with capital stock of $10,000 in $100 shares, with Harry Fliashnick, Benjamin Sherman and Charles Steiner, New York, as directors.

New York Review

"The Rains Came"

(20th Century-Fox)

Darryl F. Zanuck has produced a finely emotional, stirring drama in "The Rains Came." What will recommend it to the majority is a love story in which Tyrone Power and Myrna Loy are the Great Lovers, which alone is a guarantee of a box-office boom.

The picture's exploitable possibilities are not all theirs, however. The mood is well sustained, under Clarence Brown's direction, against a spectacle of earthquakes, flood and fire in exotic India. Zanuck has retained the spirit and richness of Louis Bromfield's best selling novel.

A fiery love story is developed in a clash of loyalties which brings forth "The woman I love" theme, with Power compelled to choose between ruling a dominion and Miss Loy, his heart's desire. No finer romantic acting has been put on celluloid with such admirable restraint.

George Brent, as one of Miss Loy's former lovers, has one of the big parts, and is always in complete mastery of his serio-comic role. He is properly concerned for his friend, Major Rami Safti (Tyrone Power), when Lady Edwina Esketh in the person of Miss Loy, having achieved respectability by marriage, arrives and immediately begins a campaign for the dashing young Major. The Major, having work to do as a physician, is in no mood to philander but yet is cognizant of Miss Loy's blandishments. He breaks through his outward frigidity when fate in the form of floods and plague throw them together in acts of mercy. Lady Esketh's redemption and self sacrifice as she realizes the Major's destiny is with his people and not with her are developed with compelling drama culminating in a deathbed scene which will touch every woman's heart.

The large cast of competent players boasts well known names. Brenda Joyce, a starlet whose luminosity is bound to increase, Nigel Bruce, Maria Ouspenskaya and Mary Nash contribute handsomely to the events.

The special effects scenes, staged by Fred Sersen, are worthy of an award. Philip Dunne and Julien Josephson did the screen play, and Alfred Newman handled the musical score. Harry Joe Brown was associate producer.

Running time, 104 mins. "G."* ALFRED FINESTONE

**"G" denotes general classification.*

War Makes Venezuela Big Film Market for U. S.

By ALFRED FINESTONE

American distributors have an opportunity to improve their position in Venezuela because of the war, in the opinion of Luis Enrique Perez, distributor in that country, who is in New York on business.

Since late last year French films have been replacing American pictures to a great extent, especially in the cities, says Perez, who estimates that 60 per cent of the playing time is given to French films and only 40 per cent to American product.

Now that French production is stopped, the American companies have an opportunity to recoup the business lost and consolidate their position for the future, declares Perez.

French films came into vogue with the improvement of that product, and lately theatres in the interior have been playing them. French stars are now as well known as the Hollywood players.

Perez, who is the Republic distributor at Caracas, two years ago introduced serials in Venezuela. When he found resistance, he rented a theatre for three days and ran five chapters of "Zorro Rides Again" at one time, and nothing else. Today the chapter plays are much in demand, even among first run theatres, he said.

Spanish language pictures are not popular. Mediocrity of Mexican production has "spoiled" the market for this product, and exhibitors will not book it unless they see it. Argentine films, however, are shown.

Venezuela is enjoying a business boom with prices high and theatres prosperous. There are 175 houses in the country, all wired, and 10 are being built.

The film market is an exhibitor's paradise because of the relatively few theatres and the competition among the distributors. A dozen distributors vie for representation at the eight first runs in Caracas, capital city with a population of 200,000.

The country is free of film restrictions and imports are subject only to a nominal duty.

Venezuelan prosperity is maintained by a royalty on oil production, which nets the Government a large sum. More than $100,000,000 annually is spent on national public works.

Plan High Power Station

CINCINNATI, Sept. 10.—The Cincinnati *Times-Star*, which recently purchased WKRC, CBS station for Cincinnati, and will take the station over on Sept. 24, has been granted a permit by the F. C. C. for a new high frequency station on an experimental basis to operate conditionally on a frequency of 25,175 kilocycles with 100 watts power.

Treasurers Join IA's New Division

Entire treasurers' group of Theatrical Managers, Agents and Treasurers Union has transferred its allegiance to the new I.A.T.S.E. division of treasurers and ticket sellers, it became apparent over the weekend. Temporary officers elected for the new group are all former officials of the T.M.A.T.

An appeal to the American Federation of Labor convention in October is under consideration. A hearing before the State Labor Relations Board is also scheduled for this week, but with all the treasurers out, it is not likely that the T.M.A.T. can prevail before the labor board. An effort, meanwhile, is being made to obtain contracts for press agents and managers but negotiations have been hampered by the dispute. The previous contract expired Sept. 1.

Officers elected by the I.A. treasurers group are: Walter O'Connor, president; George Ashby, vice-president; James J. Murphy, secretary-treasurer; and Morrie Seamon, business agent.

Ticket Price Bill's Passage Assured

(Continued from page 1)

sold by any ticket broker or other person."

"If any ticket broker, employe of such ticket broker or any other person who shall resell such ticket shall exact, accept or receive, directly or indirectly, any greater amount than such regular or established price or charge plus the maximum premium as printed upon the ticket at which the ticket may be resold, together with the amount of any tax imposed by the Government of the United States, such ticket broker, employee of such ticket broker or other person, shall be guilty of a violation of this article."

Kuykendall in Plea On Trade Practices

Every major company favors adoption of some form of trade practice machinery for settlement of industry disputes but will undertake individual action along this line only when convinced that the proposed trade practice code is dead, Ed Kuykendall, M.P. T.O.A. president, reported after conferring with sales executives here last week.

Kuykendall left New York for his Columbus, Miss., home on Saturday but plans to return to New York in about two weeks for further discussions of prospects of action on trade practices.

Epidemic Damages Grosses in Buffalo

BUFFALO, Sept. 10.—An infantile paralysis epidemic has broken out here with more than 100 victims and several deaths already recorded.

Exhibitors pledged full cooperation to the Board of Health but grosses have been badly hit as a result of an order to all ticket takers to refuse admission to children under 14. Low grosses were recorded at all downtown and neighborhood houses with a considerable portion of the adult patronage frightened by Department of Health announcements. School openings have been postponed.

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 50 NEW YORK, TUESDAY, SEPTEMBER 12, 1939 TEN CENTS

Universal Net For 9 Months Is $989,995

$1,743,000 Improvement Over 1938 Period

For the 39 weeks ended July 29, 1939, operations of Universal Pictures have resulted in a consolidated profit of $989,995.21 after all charges but before Federal income taxes, J. Cheever Cowdin, board chairman, announced yesterday in a letter to stockholders.

This represents an improvement of $1,743,102.64 over the corresponding period of 1938 when the company reported a loss of $753,107.43, Cowdin revealed.

It also represents an improvement of $2,126,964.20 over the corresponding period of 1937 when the company reported a loss of $1,136,968.99, and represents an improvement of $1,802,469.11 over the corresponding period of 1936 when the company suffered a loss of $812,473.90.

Australia Mission By Dan Michalove

Dan Michalove, assistant to S. R. Kent, president of 20th Century-Fox, sails tomorrow from Los Angeles on the *Monterey* for Australia. He will remain there several months.

Michalove, who made a survey of Hoyts theatres in Australia last year, will represent National Theatres in the consolidation of Hoyts and Greater Union Theatres. The deal, which will combine about 180 theatres, is to run for 20 years. It is subject to ratification by the boards of directors of the respective companies.

Charles E. Munro, managing director of Hoyts, who participated in the negotiations here, will sail with Michalove.

Broadcasters Act On War Neutrality

WASHINGTON, Sept. 11.—Radio neutrality will be the question of the day at the special National Association of Broadcasters convention in Chicago Friday, according to President Neville Miller.

War problems led some members to suggest postponement, but Miller canvassed the board of directors and found the majority in favor of holding the meeting as planned. The industry's music problems also will be discussed.

7,500 Vote Sept. 20 To Discover Studio Bargaining Agent

HOLLYWOOD, Sept. 11.—Sept. 20 was set today as the date for the consent election of Hollywood studio craft workers to determine whether the International Alliance of Theatrical Stage Employes or United Studio Technicians Guild or neither should represent them as the collective bargaining agent.

Approximately 7,500 workers will participate in the balloting to be conducted at the Gilmore Stadium between 6 A. M. and midnight.

The date for the election was fixed at a conference held in the office of William R. Walsh, attorney for the National Labor Relations Board. Also attending were John Gatelee, Frank Stickling, and Lew Blix of the I.A.T.S.E.; A. H. Peterson, American Federation of Labor representative, and Howard Robertson and H. I. Besbeck of U.S.T.G.

Studios for the past week have been checking their payrolls to prepare lists of workers who will be eligible to vote.

In a letter to I.A.T.S.E. locals, which had invited him to represent them in negotiations with studios, William Bioff expressed "sincere appreciation" of the request, but said: "Since I have withdrawn voluntarily from union activities, I am reluctant to again assume the responsibilities involved."

STUDIOS WILL KEEP PICTURE PLEDGES

MPTOA Praises WB for Modifying Its Sales Policies

Warners' action in taking the initiative in offering an individual company trade practice program is commended in the current M.P.T.O.A. bulletin just released to members.

"This is a great step forward in the face of the present confusion and dismal outlook," the bulletin says. "Every responsible exhibitor who is sincerely interested in bringing order and fair dealing into our business should give it every encouragement. There are indications that some of the other companies, if properly encouraged to do so, may voluntarily modify their sales policies in such a way that many of the trade practice proposals will be accomplished."

Reporting in the bulletin on his recent conferences with distribution executives concerning the possibilities of future action on trade practices, Ed Kuykendall, M.P.T.O.A. president, says he finds "these men are making a serious effort to work something out

(*Continued on page 2*)

Paramount and Universal Promise No Budget Retrenchments

Virtually every major film company, faced with the war emergency, has declared that production budgets will not be trimmed at the sacrifice of picture quality and that all release dates will be met.

Studios are, however, eliminating waste and unnecessary expense.

The policy of not sacrificing quality or quantity, proclaimed earlier on behalf of Universal by Nate J. Blumberg, president, was reiterated by J. Cheever Cowdin in a letter to the company's stockholders yesterday and by Blumberg at a luncheon attended by company executives and trade press representatives.

Blumberg added that in addition to the decision to adhere to its original production plans, Universal was determined to make no salary cuts or lay-offs in the studio or home office.

Harry Cohn, Columbia president, said no changes of any kind were contemplated in his company's production.

Y. Frank Freeman, Paramount vice-president in charge of production, advised a sales meeting in Chicago over the past weekend that: "Absolutely no deviation from the announced 1939-'40 Paramount production program is planned."

"There will be no reduction in budgets or elimination of pictures on our season's schedule," Freeman told home office sales executives and district managers. "Our production pro-

(*Continued on page 4*)

Britain's Film Act Faces War Emergency Revision

LONDON, Sept. 11.—Reactions at Whitehall to the protests of British producers and labor interests against the reported intention of the British Government to suspend the quota indicate some adjustment in the present Films Act to suit the current wartime circumstances.

The present legislation probably is due to be virtually suspended as it now stands, but provision is likely to safeguard some measure of production and employment.

It was virtually promised that conditions will not duplicate those of the last war.

Producers and labor representatives met with the Board of Trade on Saturday and will return this week for further consultations.

Meanwhile, the widespread evacuation of the trade to operating areas outside London is proving a serious obstacle to efficient operation.

Many executives are holding daily office hours in Wardour Street (London's film row). Also most of the business of Associated British Pictures at present is being carried on from the London headquarters at Golden Square, with additional activity from London anticipated.

The sympathetic official reception to the new exhibitor moves in the London area has produced a marked feeling of optimism in trade circles here. The Home Office will receive a deputation from the London and Home Counties Branch of the Cinematographic Exhibitors' Association on Wednesday and the exhibitors are confident of sympathetic treatment from government officials.

London exhibitors today met Herbert Morrison, chief of the London County Council, and came away with a definitely optimistic reaction to the

(*Continued on page 2*)

Picture Stocks Off In Rising Market

Despite a generally rising market, most film securities showed fractional losses on the stock markets yesterday. Gains were recorded by Eastman Kodak common, which rose 1⅝ to 151 and by Kodak preferred, which showed the largest gain of the day, up 2½ to 162½. Universal Pictures preferred was up 2 to 50, and the common up 1 to 18.

Preferred stock of 20th Century-Fox rose 1 to 20¾ but common dropped ⅝ to 12. General Theatres Equipment, 8¾, and Trans-Lux, 2, showed ⅛ gains. All others were off or unchanged.

Warner issues suffered yesterday.

(*Continued on page 8*)

Praise to WB For Modifying Sales Policies

(*Continued from page* 1)

in spite of the obstacles they have encountered.

"The distributors' committee has not been dissolved," he says, "and a practical solution to at least part of our problems may yet be found through earnest effort of those who are working toward these ends."

Discussing the recent rejection of the proposed industry trade practice code by the Department of Justice, the bulletin questions whether or not the Department's action was not "just the prosecutor's strategy to scare the distributor defendants out of adopting proposals that might weaken the Department's position in its law suit by removing the abuses complained of."

The bulletin discloses that the M.P.T.O.A. board of directors' meeting at White Sulphur Springs, West Virginia, Oct. 23 and 24, will consist of closed sessions for freer discussion "of matters of general interest."

Approve 'Beau Geste'

TORONTO, Sept. 11.—The Ontario Provincial Board of Appeal had concurred in the approval of "Beau Geste" by the chairman of the Board of Moving Picture Censors for the showing of the feature in Ontario. Following the outbreak of war the picture was recalled, along with "Nurse Edith Cavell" regarding which there has been no further declaration.



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Purely Personal

WILLIAM KUPPER, 20th Century-Fox western division manager, has returned from a tour of branches with M. A. LEVY, Kent drive leader. W. C. GEHRING is accompanying LEVY this week, and WILLIAM SUSSMAN continues with the drive leader next Monday.

•

HERMAN FINKELSTEIN of Schwartz & Frohlich, Ascap counsel, leaves for Lincoln, Neb., today with LOUIS D. FROHLICH to prepare for trial there next Monday of music society's attack on the constitutionality of the state's anti-Ascap law. E. C. MILLS and JOHN PAINE of Ascap will leave for Lincoln on Friday.

•

ORSON WELLES flew in from Hollywood Saturday for a three-day stay here in connection with his broadcast with Helen Hayes, which was aired last night. For the next four or five weeks, Welles will fly from the Coast to New York each week-end.

•

DAVIDSON TAYLOR, assistant to BILL LEWIS, CBS vice-president in charge of programs, will speak before the Congress of American Musicological Society at CBS Radio Theatre No. 1 on Friday.

•

HERBERT WILCOX, producer, and ANNA NEAGLE, star of "Nurse Edith Cavell," will attend the premiere of the film at the Music Hall, following the run of "Golden Boy," currently playing.

•

BORIS MORROS planed out of Hollywood yesterday for New York to confer with GEORGE SCHAEFER on his next picture. MORROS will produce for RKO release.

•

HARRY JOE BROWN, 20th Century-Fox producer, and his wife, SALLY EILERS, leave tomorrow for the Coast. MISS EILERS has been in Summer stock at Cape Cod.

•

AL ROSEN, manager of Loew's State, yesterday underwent a tonsilectomy at Medical Arts Center, his second operation in three weeks.

•

JOE PINCUS, 20th Century-Fox talent chief, and JOE HOLTEN and CHARLES GOETZ of his staff are back from scouting Summer stock.

•

CHARLES BUCKLEY, Fox West Coast legal counsel, has returned to Los Angeles after conferring here with Spyros Skouras.

•

JULES KOENIG, manager of the Liberty Theatre, and MRS. KOENIG are the parents of a seven-pound boy.

•

OSCAR MORGAN returns to New York from Chicago this morning by United Airlines.

•

PAUL ROSS and GERTRUDE LANZA of the CBS Artists Bureau have resigned from the staff.

•

JACK BENNY is due in town today. He will be here two weeks.

•

KENNETH CLARK of the M.P.P.D.A. returned from vacation yesterday.

•

JIM CUNNINGHAM is on a vacation.

CLIFF WORK, vice-president of Universal in charge of studio operations, left for the Coast last night.

•

W. FRENCH GITHENS, head of Newsreel Theatres, Inc., is expected in New York today after having been in San Francisco during the past six weeks for the opening of the new Telenews Theatre by the Pacific Coast Newsreel Corp.

•

GARY COOPER plans to attend the opening day's performance of "The Real Glory," in which he is starred, at the Rivoli on Broadway on Thursday, coming from Southampton for the screening.

•

JOSEPH VOGEL, CHARLES E. MCCARTHY, WILLIAM ORR, WILLIAM RODGERS, EDWARD SAUNDERS, RUSSELL HOLMAN, JOHN HICKS, TOBY GRUEN at Nick's Hunting Room in the Astor for lunch yesterday.

•

B. M. SILVER, president of Colonial Pictures, Ltd., Toronto, has gone to New York to close for Canadian distribution of a number of independent features.

•

STANTON GRIFFIS, chairman of the Paramount executive committee, is believed to have obtained passage on the *Washington* which is due here Saturday.

•

HERMAN WOBBER, 20th Century-Fox sales chief, and WALTER J. HUTCHINSON, foreign director, returned from the Coast yesterday.

•

REGINALD REUBENSON, film importer and exporter, whose headquarters are in London, is in New York on business for about six weeks.

•

JOHN DACEY, RKO short subjects salesman, returned to his desk yesterday after a week's absence due to illness.

Two Attorneys Held In GTE Bond Theft

WILMINGTON, Sept. 11.—Court of Chancery here has been notified of the arrest in New York of two attorneys charged with violation of the national Stolen Property Act in connection with the alleged theft of $20,000 in bonds of General Theatres Equipment. The bonds disappeared from courtroom files late in 1935 during the G.T.E. receivership case, but were recovered five months later. Men arrested were George Turley, a New York attorney, and Chester G. Bollenbach, Bloomfield, N. J., attorney. The hearing was set for Sept. 18.

Settlement Looms In Endicott Strike

Hearing before the State Labor Relations Board yesterday on the complaint of M. P. Division of Theatrical Managers, Agents and Treasurers Union against the Endicott circuit (Nelson & Renner) was postponed until tomorrow. The union is now conducting a strike against Endicott houses. Discussion yesterday centered around possibility of a settlement. Ira Meinhardt represented the union and Ralph Weiner represented Endicott.

War Revision Faces British Rule on Films

(*Continued from page* 1)

conversation. The C.E.A. branch will meet tomorrow.

The weekend opening of film houses in areas of greatest safety was generally successful, although the late hours of the evening, presenting transportation problems in view of the blackouts, reduced attendance.

The result of the first two days of operation under the wartime schedule has resulted in the suggestion that in view of the transportation and traveling difficulties for patrons at night in some areas, it might be more practicable to set the closing hour at dusk instead of 10 P. M.

A new film now in work at the Denham Studios is believed to be the first of the British propaganda films. No details have been released but stills sent to newspapers bear the caption, "Merle Oberon and Ralph Richardson photographed in a film now being made at Denham showing Britain prepared."

Miss Oberon appears in the uniform of a Red Cross nurse and Richardson as a British flying officer. No mention is made of the title of the picture or of the producing company of the film being made at the Alexander Korda studio.

Calgary Is Schaefer Sales Drive Winner

Calgary, Detroit and Buffalo branches of RKO finished in that order in the George Schaefer sales drive, according to final audited figures. Announcement of the winners was made by Jules Levy, general sales manager. H. F. Taylor is branch manager at Calgary, J. Sharkey at Detroit and C. Boasberg at Buffalo.

Thirteen branches went over their quotas, including Montreal, New York, Washington, New Haven, Albany, Toronto, Denver, Charlotte, Memphis and Los Angeles, beside the three winning offices.

San Francisco took first place in the "Fisherman's Wharf" contest. Cincinnati won the Ad Sales Bonus Plan.

MOTION PICTURE DAILY

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NEW FAVORITES

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for general studio use

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for all difficult shots

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for backgrounds and general exterior work

Studios Will Keep Their Film Pledges

(*Continued from page* 1)

gram was so carefully planned many months ago and is so far ahead of schedule at this time that it is both unnecessary and impractical to attempt to revise it because of the situation created by the war.

"This company has the greatest backlog of pictures ready for release in its history. We have 26 completed features, eight more before the cameras and 17 definitely scheduled for production within the next few months. All were cast, budgeted and planned with the possibility of the European crisis in mind and not one will be dropped from our schedule nor will there be any budget revisions on any of these.

"Exhibitors who have bought Paramount product have no cause for worry. We will deliver 100 per cent."

Regarding Columbia, Cohn said:

"There will be no deviation from our regular production program with the sole exception of a temporary postponement of 'Arizona' for 60 days. We are not pulling in any horns. As a matter of fact, we are spending $5,000,000 more on production this year than at any time in our organization's history."

Herman Wobber, general distribution manager of 20th Century-Fox, who returned from Hollywood yesterday by plane after conferring at the studio, said that the company has decided to effect certain economies, without affecting the quality or quantity of product. He reiterated that the company will adhere to the schedule announced for 1939-'40.

Included in the 20th Century-Fox economies will be elimination from the payroll of unnecessary employes in certain studio departments. The need for such action has long been apparent, according to the company, but the step was not regarded as financially necessary until the present emergency.

The retrenchment policy was decided upon at Coast conferences attended by Joseph M. Schenck, chairman of the board; Darryl F. Zanuck, production head; William Goetz, studio executive, with Wobber and Walter J. Hutchinson, director of foreign distribution. Robert T. Kane, in charge of British production, which is a factor in the situation, also is conferring at the studio.

Schenck, in a statement, declared that while retrenchment in studio overhead is necessary, "no salary cuts would be made and nothing will be done to impair the quality of production." None of the big pictures planned by Zanuck will be eliminated, he said.

Estimating that the industry faces the immediate loss of 60 per cent of its foreign revenue, Schenck declared:

"This company always had economical and efficient organization and operation, but now drastic economy will be necessary if we are to continue to operate in the face of the loss of vital foreign income."

Continued optimistic reports are being received at home office foreign departments on the prospects of general theatre reopenings abroad and on film requirements for the immediate future.

Insider's Outlook

By SAM SHAIN

"WE will deliver all the product as we promised. There will be no cuts—no letouts."

This is Nate Blumberg speaking for Universal. J. Cheever Cowdin, chairman of the board; Cliff Work, vice-president, in charge of production; William Scully, vice-president, in charge of sales; Matthew Fox, vice-president and assistant to Blumberg; Joe Seidelman, vice-president, in charge of foreign sales; and William Taylor, vice-president of the Commercial National Bank and Trust Company, witnessed Blumberg's statement. It was made yesterday at a reception and luncheon for Cliff Work in the Rainbow Grill, atop the RCA Building, in Rockefeller Center. There were some 30 trade journalists present, guests of Universal.

"The present crisis is not going to serve to diminish Universal's efforts or results. We've had a dress rehearsal for such times as these for nearly two years—and we are unafraid."

Then J. Cheever Cowdin addressed the assemblage, briefly and to the point.

"I wouldn't trade our operating executives for any in the business. They are honest, loyal and experienced."

And William Taylor, banker:

"We have been happy in our association with Universal, and we will be with them in the future more than 100 per cent."

Joe Seidelman:

"Make sure of what you write about the foreign situation, boys. I don't want to steal President Franklin Roosevelt's thunder, but keep in mind that the men abroad are working under delicate conditions and extreme nervousness. It is easy to panic them these days."

Bill Scully:

"Won't you boys be kind enough to ask the exhibitors to give us a little more money for our pictures."

With that he sat down quickly.

It was a nice party. Lou Pollock and Matty Fox supervised.

Cliff Work was introduced, giving him the opportunity to relate how he happened to go with Universal.

"One day," Work told the guests, "Nate Blumberg telephoned me, saying: "'Congratulations!'"

"'Congratulations on what?'" asked Work.

And Blumberg went on to tell Work that he had been named a vice-president of Universal Pictures.

"You are to be in charge of the studio," Blumberg further informed Work.

"What will I do there?"

"Oh, just look out," ended Blumberg.

And—Work reports that he has been looking out ever since.

THE luncheon was featured with a recording of Marlene Dietrich singing a cowboy song from her coming film, "Destry Rides Again." It rang the bell.

IT may interest you to know that Cincinnati exhibitors envision chance games as being greater competitive forces than ever in the months just ahead, according to E. H. Mayer. The number of games have increased in that territory. Recently Police Chief Eugene Weatherly, himself, in his August report emphasized the seriousness of the situation.

His report shows that the attendance at 189 games in August amounted to 231,343, with an average net cost per person of 61.9 cents, and that 11 per cent of all Cincinnatians, 15 years of age or over, participate in such games.

LISTEN to the critics—on "The Rains Came," which is now at the Roxy.

Frank Nugent, in the *Times,* says:

"The film version is the merest skeleton of the Bromfield work...."

Howard Barnes, in the *Herald-Tribune,* says:

"I don't see how the novel could have had better treatment than it has been afforded in the picture. It seems to me though, that the Bromfield tale should have been left between the covers of a book."

One wants more of the book—the other, less.

Bland Johaneson, in the *Mirror,* says:

"A pretty faithful translation of the Bromfield novel—a hopeful augury for 'The Grapes of Wrath,' when Mr. Zanuck turns his hand to that."

Kate Cameron in the *News,* gave the film her highest rating and said the audience sat spellbound, then burst into applause.

The picture was S.R.O. over the weekend at the Roxy, grossing $41,500 in three days.

Guess, the audience has it!

ON Oscar Doob's desk, the other day, a letter from the National Committee for Education, read "exploration and promotion manager."

PUBLISHED diagrams purporting to show the interior of the French Maginot fortifications, reveal a film theatre.

Imagine the poilu, between skirmishes, rushing back to see the Hedy Lamarr-Robert Taylor tete-a-tetes.

"JAMES ROOSEVELT will quit his job with Sam Goldwyn at the termination of his present contract," writes Danton Walker in the *News*—but what Walker fails to tell is that Roosevelt's contract runs for five years.

Theatre, Personnel Changes

Clarence Robson Ill

TORONTO, Sept. 11.—Transfer of R. S. Roddick to Halifax, N. S., where he will supervise theatres in the Maritime Province for Famous Players Canadian Corp. will not mean the retirement of Clarence Robson, former supervisor. Reason for the transfer is the illness of Robson who is expected to resume his duties after he recovers.

Open Florida House

FORT LAUDERDALE, Fla., Sept. 11.—The new Florida, $200,000 house just completed by Sparks Theatres, on Las Olas Boulevard, has been opened, according to A. R. Nininger, directing head of local Sparks theatres.

Buy Theatre in Florida

TARPON SPRINGS, Fla., Sept. 11.—The Royal has been purchased by F. O. Mullen of Haines City, Fla., operator of the Mulco circuit. The local house was formerly owned by Nick Marlemes, who had operated it about 10 years.

Florida Theatre Opens

WEWAHITCHKA, Fla., Sept. 11.—The Lake has just opened here, showing pictures and "The Hickman Family" radio troupe.

Lease Georgia Theatre

BRUNSWICK, Ga., Sept. 11.—Lucas & Jenkins, lessees of the local Ritz and Bijou have signed a new long-term lease on the former house. The exterior is to be completely remodeled.

Set New Haven Vaudeville

NEW HAVEN, Sept. 11.—The Arena, sports theatre, will again present Sunday vaudeville with big name bands this year, according to Nathan Podoloff, manager. This year the presentations will be on a regular weekly basis.

Buys Colored House

SAVANNAH, Ga., Sept. 11.—The Star has been purchased by W. B. Braswell from W. S. Scott. The house, playing to colored patronage, is being improved by Braswell.

Purchase in Florida

BUNNELL, Fla., Sept. 11.—The Flagler here has been purchased by L. E. Lamboley of Sarasota, Fla., from F. L. Alig, Jr.

Manages Green Bay House

GREEN BAY, Wis., Sept. 11.—George Hannon, former operator of the Grand here, will manage the house upon its reopening Sept. 24 by Standard Theatre Co. The new operators have been renovating the theatre.

Delay Two Openings

NEW HAVEN, Sept. 11.—The 496-seat Fairmont, recently acquired by Al Pickus, has postponed its opening until Sept. 16. The Joseph Quittner and Peter Perakos 700-seat State, Jewett City, Conn., also will be delayed until Sept. 14.

Jones Florida Manager

AVON PARK, Fla., Sept. 11.—W. H. Jones of Tarpon Springs, Fla., is now manager of the Park, succeeding James Prentice, resigned.

Old Flickers Prove Good Chicago Stunt

By WILLIAM F. CROUCH

CHICAGO, Sept. 11.—Old fashioned films presented as they were 20 years ago proved a good box-office attraction for Marlowe Conner, manager of the Rhodes, last week. Old films and slides were presented in a 20-minute show that had the audience in hysterics. The operator went through all the old stunts of using slides for reel changes, advice to the audience, etc. Conner plans to run another similar show soon.

Hollywood stars at the Blackstone in Chicago over the weekend were Norma Shearer, William Holden and Gloria Jean. Miss Shearer dodged reporters at the train. Holden made several appearances in connection with "Golden Boy" while Miss Gloria Jean was en route to the coast after a personal appearance trip in the east.

Betty Grable and Rochester have been booked into the Chicago Theatre, starting Sept. 29. "The Old Maid" will be the screen attraction, according to present indications.

Now that the old Capitol building is history and a two-story "taxpayer" is being built where the 25-story structure once stood, Balaban & Katz have painted a huge sign on the South wall of the adjoining Chicago Theatre, which can be seen by thousands of persons daily. The Telenews theatre now under construction next door to the Chicago is expected to open about the first of December.

The Balaban & Katz Employes Club staged their annual golf tournament at Bunker Hill Country Club on Tuesday. More than 85 competed in the meet, which was one of the largest the club has held.

Rose Tied and Helen Reese, Chicago girl winners in the "Typical Daughters" contest staged by Warners and the Chicago *Herald-American,* are in Hollywood, guests of the Lane sisters. While on the coast the girls will be given screen tests by Warners.

While standing in front of the Colfax theatre in Gary last week, Norman Pyle, M-G-M exploiteer, saw a woman customer come to the box-office. The cashier said, "How many, please?" "Two humans and one child," the woman replied.

"My Dear Children," the stage play starring John Barrymore, is slated to close shortly. Barrymore has not been in the best of health and has missed several shows of late.

Declares Dividend

TORONTO, Sept. 11.—Marcus Loew's Theatres, Ltd., here, operating Loew's Yonge Street and leasing the Uptown to Famous Players Canadian Corp., has declared a further payment of dividend arrears on the preferred shares of the company, the latest distribution, payable Sept. 30, being the interest of 3½ percent for the half-yearly period ending June 30, 1937.

Studios Push Production As War Anxieties Fade

HOLLYWOOD, Sept. 11.—Weekend saw Hollywood recovering a balance temporarily lost when outbreak of hostilities abroad sent studio executives into conference on ways and means of procedure. From only one lot, 20th Century-Fox, came news of important immediate reduction of personnel. From three, Warners, Paramount and Roach, came assurance of adherence to present production and employment schedules. Elsewhere there was rumor, good and bad, little official information.

Unofficial Hollywood was something else again. Perhaps not even New York's population is so interested in overseas developments, so directly conscious of connotations, so hard put to maintain the neutrality proclaimed by the Government. Here are nationals of all the belligerent nations, probably totaling a larger proportion of the population than in any other American city, and these are, for the most part, intelligent, coherent and by no means undiscursive persons. The demand for maps, colored pins with which to mark the tide of conflict, has been terrific. Radios are everywhere, in offices, on sets, wherever people gather. The war is waged step by step, and disputed, with peace and the prospects thereof a topic of heated debate on every hand.

Knowledge that picture personnel would not be called to the colors immediately, if at all, reduced executive concern on that point, but this was at most a small factor. How long the war will last, which side will win, whether America will be drawn in, what will happen to foreign grosses, these are the items of chief concern, each the subject of endless discussion, as the work week drew to a close. Your correspondent, in the interests of neutrality, refrains from reporting the present state of sentiment in the community but deems it no breach to remark that Cancellor Adolph Hitler of Germany hadn't been a Hollywood hero for a long time before he anschlussed Austria.

CHARLES CHAPLIN'S "The Dictators" went before the cameras on Saturday.

Producers Pictures Corp. announces start of production of "Hitler—the Beast of Berlin," Sept. 14, describes it as "an eloquent and timely story of German patriots working underground to pry the fatherland loose trom under the iron heel of Nazi dictatorship."

WAYNE DAVIS, production manager of Arizona Western Pictures, has announced production of seven historical western shorts commencing Sept. 15.

JAMES ALLEN has been appointed radio director to produce broadcasts exploiting "Swift Family Robinson" and other Towne-Baker pictures for RKO release.

LINDA WARE, featured in "The Star Maker," will star in "A Glimpse of Heaven," CHARLES R. ROGERS' next for Paramount.

MARJORIE WEAVER has been given the feminine lead in "The Adventurer," first of the 20th Century-Fox Cisco Kid features with CESAR ROMERO.

JULIUS TANNEN, veteran vaudeville star, will play a prominent role in Monogram's "Scouts of the Air."

BRENDA MARSHALL is to receive one of those far-reaching Warner publicity buildups on account of her showing in "Espionage Agent," which is not, as some have assumed, a propaganda picture.

IDA LUPINO'S contract has been continued by Paramount.

LUCILLE BALL has been assigned the spot opposite KAY KYSER in RKO's swingfilm, "That's Right, You're Wrong."

VIRGINIA WEIDLER has been given a new M-G-M contract on account of her work in "The Women."

FRANCES LANGFORD comes back to pictures in Republic's "Hit Parade of 1940."

War Safety Measure In Ontario Theatres

TORONTO, Sept. 11.—As a wartime precaution, all Ontario theatres have been ordered to install immediately an independently-operated electric lighting system with lamps placed to illuminate the whole interior of the building.

The order gives until Sept. 30 for the installation of the complete emergency lighting equipment, which will be approved by Government inspectors. Failure to obey the order will result in drastic action by the department, it is warned.

Already there has been one unintentional blackout in Ontario, when the hydro-power service was cut off by an electrical storm. It was pointed out that the sudden darkness, in the midst of war scares, caused considerable excitement in the theatres.

Acquires Irish Film

William Alexander has obtained the American and Canadian rights to "Blarney," Irish film starring Jimmie O'Dea. The film will open at the Academy of Music, Brooklyn, on Sept. 17.

Form Theatre Companies

ALBANY, Sept. 11.—Lincoln Amusements, Inc., Schenectady, has been formed by Sidney Dwore, who has opened the Lincoln after renovation. Also incorporated here was Exclusive Playhouse, Inc., Yonkers, by John G. Wiener, Leah Ackerman and Louis Greifer.

37 Pictures Now in Work In Hollywood

HOLLYWOOD, Sept. 11.—Thirty-seven pictures were before the cameras this week, 11 having been started and 14 having been finished. Twenty were being prepared, and 81 were in the cutting rooms.

Started were: "Renegade Law," Columbia; "Scouts of the Air," Monogram; "The Farmer's Daughter," "Strange Money," Paramount; "Jeepers Creepers," Republic; "Rebecca," Selznick; "The Blue Bird," 20th Century-Fox; "Little Accident," "The Green Hornet," "Destry Rides Again," Universal; "Invisible Stripes," Warners.

In addition to these, shooting were: "The Incredible Mr. Williams," "Blondie Brings Up Baby," Columbia; "Raffles," Goldwyn; "Remember," "Northwest Passage," "Broadway Melody of 1940," "Patsy," M-G-M; "Remember the Night," "Typhoon," "Victor Herbert," 'Emergency Squad," "Campus Wives," Paramount; "Hunchback of Notre Dame," "Vigil in the Night," "Abe Lincoln in Illinois," "Reno," RKO; "Abraham Lincoln Boggs," Republic; "Of Mice and Men," Roach; "Rebecca," Selznick; "Swanee River," "20,000 Men a Year," 20th Century-Fox; "First Love," "Tower of London," "Green Hell," Universal; "Send Another Coffin," Wanger; "Four Wives," "Gambling on the High Seas," Warners.

Finished were: "Beware, Spooks," Columia; "Fast and Furious," M-G-M; "Dr. Cyclops," "Untamed," "Diamonds Are Dangerous," Paramount; "Allegheny Frontier," RKO; "High School," "The Simple Life," 20th Century-Fox; "Rio," "Man from Montreal," "The Galloping Kid," Universal; "The Roaring Twenties," "We Are Not Alone," "State Cop," Warners.

No short subjects are shooting. Two were finished at Columbia, and one at M-G-M.

Open Army Theatre

Motion picture division of the United States Army has opened a new 900-seat theatre on Governors Island, N. Y. The new house, said to have cost $150,000, will show pictures seven nights a week.



'Golden Boy' Loop Smash With $49,200

CHICAGO, Sept. 11.—"Golden Boy" scored a knockout in the Loop with $49,200 at the Chicago. John Boles, Zasu Pitts and Red Skelton were on the stage. "The Wizard of Oz" took $17,000 at the United Artists in the second week. "Hell's Kitchen" at the State-Lake drew well with $14,800. The weather was fair most of the week.

Estimated takings for the week ending Sept. 7-9:

"The Star Maker" (Para.)
APOLLO—(1,400) (25c-55c-75c) 7 days. Gross: $5,600. (Average, $6,000)

"Golden Boy" (Col.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: John Boles, Zasu Pitts, and Red Skelton. Gross: $49,200. (Average, $32,000)

"Hotel For Women" (20th-Fox)
GARRICK—(900) (35c-40c-65c) 7 days. Gross: $4,700. (Average, $5,000)

"Second Fiddle" (20th-Fox)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $15,100. (Average, $13,000)

"Bachelor Mother" (RKO)
PALACE—(2,500) (35c-55c-75c) 7 days, 2nd week. Stage: Vaudeville Revue. Gross: $17,000. (Average, $18,000)

"The Under-Pup" (Univ.)
ROOSEVELT — (1,300) (35c-55c-75c) 7 days. Gross: $10,300. (Average, $11,000)

"Hell's Kitchen" (W. B.)
STATE-LAKE — (2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $14,800. (Average, $12,000)

"The Wizard of Oz" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $17,000. (Average, $14,000)

Ascap Music Festival To Chase War Gloom

Ascap will foot the bill for New York's Music Festival which will be held Oct. 1 to 6 and will present hundreds of outstanding American musicians. Cost of the week's musical presentations cannot be computed yet, but an Ascap official said yesterday it would probably amount to several hundred thousand dollars.

The Festival is intended to meet what civic leaders feel is an urgent need at this time to offset "the gloom of European events" and will be Ascap's gesture, by way of observing its own 25th anniversary. Only American music will be included in the programs, most of which will be staged at Carnegie Hall. No admission charge will be made but tickets will be issued by Ascap in the order in which requests for them are received.

Tri-State Owners To Meet Sept. 24

OXFORD, Miss., Sept. 11.—The Tri-State Theatre Owners, M.P.T.O.A. affiliate embracing Arkansas, Mississippi and Tennessee, will hold its convention at the Hotel Gayoso, Memphis, Sept. 24 and 25, according to R. X. Williams, Jr., president.

The Tri-State directors will meet Sept. 24 at the hotel immediately prior to the opening of the regular sessions. A golf tournament will be a feature of the entertainment phase of the convention. M. A. Lightman of Memphis, chairman of the board, is in charge of the program.

Hollywood Reviews

"Blackmail"

(M-G-M)

HOLLYWOOD, Sept. 11.—The elements that make up M-G-M's action melodrama, "Blackmail"—name value, story power, production merit and acting quality—are showmanship assets upon which exhibitors can build exploitation campaigns. Edward G. Robinson is the star. He makes his role convincing and believable. The same may be said of Gene Lockhart, Guinn Williams, Ruth Hussey, Bobs Watson, John Wray and Arthur Hohl, who are the principal supporting players. In unison, under the able direction of H. C. Potter, their work endows this grim yet heart-warming story of sensationalism in fire-menaced oil fields, with power and punch.

Robinson, after years of upright living, during which he has married and has become a great oil well fire-fighter, is double crossed by Lockhart and forced back to the brutality of a prison farm. Despite cruelties inflicted upon him, the knowledge that his wife and child are in need and that his properties are being looted, makes him determined that nothing shall break his spirit. Escaping, he lures Lockhart to the brink of a flaming oil well, there to torture from his enemy a confession that clears his name, restores his fortune and brings happiness again to his family.

Among the thrilling highlights of the Endre Bohem and Dorothy Yost story which Dave Hertz and William Ludwig made no attempt to tone down, and which John W. Considine, Jr., gave the benefit of a spectacular production, are the hazards encountered while dynamiting a blazing oil well, the trickery by which the hero is returned to custody, the inhumanity of the prison camp, Robinson's daring escape therefrom and the luring of Lockhart into a trap. They are naturally appealing to those who prefer their entertainment strong and meaty. Contrasting the melodramatic force of these is Robinson's tender regard and solicitude for his wife and son.

Running time, 80 minutes. "G."* G. McC.

"Calling All Marines"

(Republic)

HOLLYWOOD, Sept. 11.—"Calling All Marines" is not a war picture even though it wages war on most of the formulæ of plausible story construction. Sensationalism and bizarre thrill action are stressed, yet one would have to be easily convinced to find much reason for what occurs.

The picture has one fight after another; an explosion and fire aboard ship, a forest fire, a nimble chase and an attempted but frustrated plot to steal a valuable military device, with which to regale those who like to have their pictures wildly exciting.

Engaged by a spy ring, gangster Donald Barry uses gangster tactics to get into the Marine Corps and continues to be a rough, tough and irreconcilable mug in such ways that all the fine traditions about Marine pride and discipline are made to seem as so much poppycock. However, after the receipt for a beating at the hands of Sergeant Robert Kent, whose life he later saves, and begins to get a dim idea that Kent's sister, Helen Mack, loves him, and learns from comedian Warren Hymer that Uncle Sam is not a bad fellow after all, he turns on his gangster pals and their spy cohorts to prevent the theft of an aerial torpedo.

Harrison Carter thought up the original story idea which Earl Fenton developed into the screenplay. John H. Auer directed the Armand Schaefer production.

Running time, 65 minutes. "G."* G. McC.

**"G" denotes general classification.*

Spreckles in NLRB Post at Los Angeles

WASHINGTON, Sept. 11.—The National Labor Relations Board has appointed Walter P. Spreckels as regional director at Los Angeles, succeeding Dr. Towne J. Nylander.

Spreckels, resident of Yonkers, N. Y., has been engaged in industrial relations work in the east for the past 20 years. He was in charge of administrative duties connected with the labor provisions of industry codes during the NRA period, and later handled labor relations for the W.P.A.

Wisconsin ITPA Will Meet Sept. 27

MILWAUKEE, Sept. 11.—A variety of problems, including film buying and unhealthy competition from free shows and 16 mm. films, are expected to be aired at a two-day meeting Sept. 27 and 28 here of the I.T.P.A. of Wisconsin and Upper Michigan, Inc.

Exhibitors in this area have done little film buying with few contracts for new product reported closed. New officers for the ensuing year will also be named at this convention.

NBC Adopts Big Schedule Of War News

Voiding the haphazard schedule of war broadcasts adhered to since the outbreak of European hostilities, NBC yesterday acted to place its webs on a rigid war news schedule.

Covering both the Blue and Red networks the new schedule includes six European pickups each week day and five pickups each Sunday, most of these over combined networks. In addition to these programs direct from European centers, there will be 19 news periods on week days, as reported by AP, UP and INS. There will be 11 similar broadcasts on Sunday.

The schedule will be highlighted by a nightly roundup and analysis of developments abroad by John B. Kennedy, NBC special commentator, and by Col. Frederick B. Palmer, U.S.A., retired, who will provide a military interpretation of the various tactical moves of the warring forces. Kennedy will broadcast Mondays through Fridays, over the Red, and will act as coordinating speaker when European pickups are scheduled as part of his series.

On the Red, the European pickups will be made on week days at the following times: 8 A.M., 12 noon, 5:15 P.M., 7:15 P.M., except Saturdays; 7:30 P.M., Saturdays only, and 12 midnight. Red network European pickups will be made at 8 A.M., 12 noon; 5:15 P.M., 10 P.M. and 12 midnight. On the Blue, week day pickups will be made at 8 A.M., 12 noon; 5:15 P.M.; 10 P.M. and 12 midnight. Blue network Sunday European pickups will be made at 8 A.M., 7:15 P.M., 10 P.M. and 12 midnight.

Pommer Fears War Strands Him in U. S.

Erich Pommer, who arrived here from London for a brief business visit shortly before the outbreak of war, is beginning to wonder whether he isn't more or less permanently stranded in the U. S.

Pommer, a German citizen, is traveling with a German passport. He is uncertain whether the U. S. will permit him to leave the country and, if so, whether England will admit him.

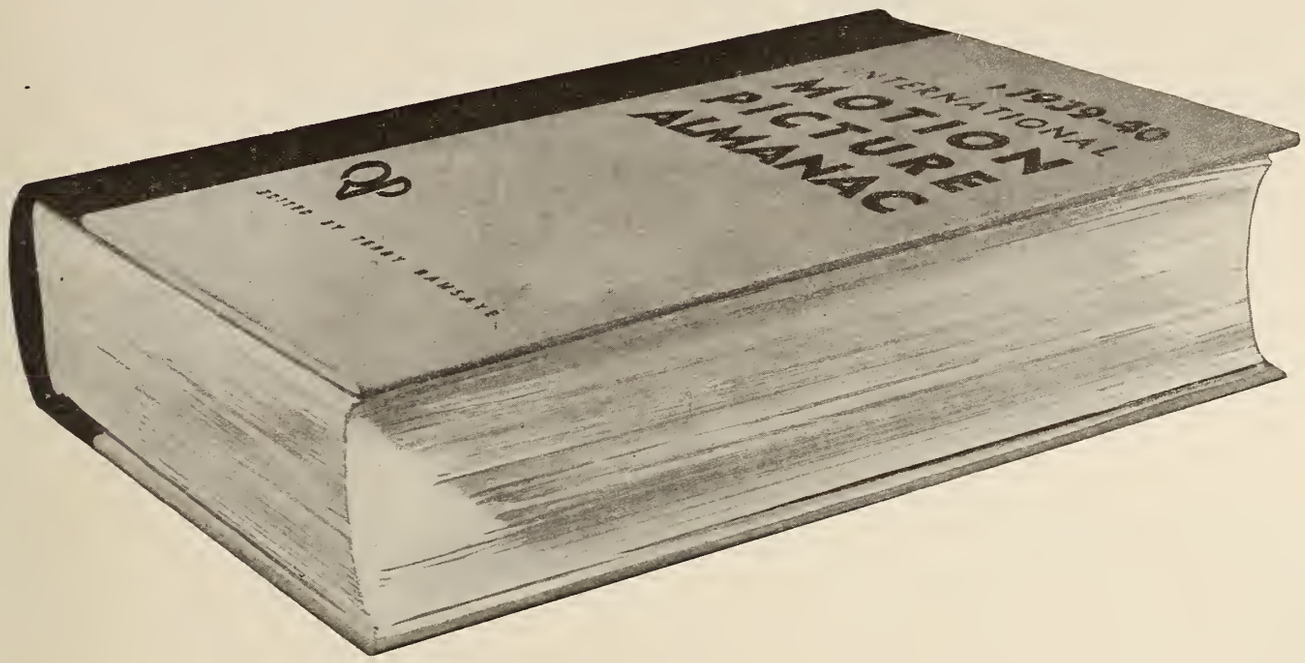
Pommer believes it will be several weeks before his status will be clarified. He planned to begin production in England of a new picture starring Charles Laughton late next month.

Grainger Returns From 6-Week Trip

J. R. Grainger, Republic president, returned yesterday from a six-week trip around the country. Immediately before returning Grainger closed a deal for 1939-40 product with the Minnesota Amusement Co. (Publix) for 80 houses in Minnesota, North and South Dakota and Wisconsin.

John Friedl and John Branton acted for Minnesota. Max Roth, mid-western district sales manager, and Gilbert Nathanson, Minneapolis territory franchise holder, acted with Grainger for Republic.

ACCLAIMED



The new 1939-40 International Motion Picture Almanac has been received throughout the industry with unanimous acclaim. Revised, enlarged and brought up to the minute, it includes more than 1100 pages crammed with facts and figures covering every phase of the business.

The Who's Who section alone, records over 11,000 biographies of industry personnel. Statistical data includes "Corporate Structures," "Producing and Distributing," "Film Editors," "Equipment," "Abroad," "Radio" . . . and countless other items of daily importance to every showman the world over.

SEND FOR YOUR COPY TODAY—$3.25 POSTPAID

INTERNATIONAL MOTION PICTURE ALMANAC

ROCKEFELLER CENTER NEW YORK

Film Stocks Show Loss; Others Gain

(*Continued from page* 1)

Preferred dropped 5½ to 41, debentures 6's '48 dropped 1½ to 81, and common was off ¼ to 3¾. Columbia Pictures preferred was off 1¾ to 18 and common lost ⅛ to close at 6⅞. Loew's common slumped 1½ to 31½, preferred was off 1⅜ to 102 but debentures 3½'s '46 were unchanged at 97.

RKO was unchanged at 1½. Paramount 1st preferred lost 3 to close at 73, common lost ⅜ to 6½, and 2d preferred dropped ⅛ to 7⅞. Consolidated Film Industries common dropped ⅛ to 1⅛, and preferred closed at 8, off ¾. Pathe Film lost ⅝, to close at 8¼.

Other issues were: American Seating, 10, unchanged. B. F. Keith 6's '46, 99¾, off ¼. Sonotone, 1¼, off ⅛. Technicolor, 10½, off ¼. Universal Corp., 2¼, off ⅜.

Warner Managers Meet Here Today

Warner theatre zone managers will meet today at the home office to discuss new season product and policy matters. Joseph Bernhard, general manager of the circuit, will preside.

Attending the meeting will be James Coston, Chicago; Nat Wolf, Cleveland; I. J. Hoffman, New Haven; Don Jacocks, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; John Payette, Washington, and Herb Copelan, Atlantic City.

Among home office executives who will participate are: Clayton Bond, chief film buyer; Ed Hinchy, Leonard Schlesinger, Harry Goldberg, Willard C. Patterson, Frank Phelps, Nat Fellman, Abel Vigard, W. Stewart McDonald, Harry Rosenquest, Louis Kaufman, Herman Maier and Frank Cahill.

Dr. Hugo Riesenfeld Dies in Los Angeles

Los Angeles, Sept. 11.—Dr. Hugo Riesenfeld, music conductor, died here yesterday at the age of 60. Funeral arrangements had not been completed at a late hour tonight.

Dr. Riesenfeld was noted particularly in screen circles for his work as managing director of the Rivoli, Rialto and Criterion on Broadway from 1917 to 1925. Born in Vienna, Riesenfeld came to this country after a connection with the Imperial Opera House there. In 1927 he was managing director of the Colony Theatre, and from 1928 to 1930 he was general musical director at the United Artists studio.

In recent years he was engaged in composing and arranging music for various pictures in Hollywood.

Summer Theatres Fail to Yield Stars

This year's crop of Summer stock productions failed to reveal any acting talent of noticeable star caliber, according to film talent scouts who have returned from their annual tour of "barn theatres."

BANNER RADIO LINES

By JACK BANNER

WBT, COLUMBIA'S STATION IN CHARLOTTE, N. C., is engaged in a stunt that could be copied by others. The station's news department makes recordings just before the 7 o'clock and 9 o'clock intermissions at Charlotte motion picture houses and these news bulletin recordings are rushed to the theatres and are played over their loudspeaker systems. Theatres in turn are publicizing the service in their lobbies and in newspaper ads, with patrons notified that they won't be missing the news when they attend screen performances. Each news summary takes three minutes.

THE WORLD'S FAIR MILKMAID OF 1939 will be selected in a television contest next Wednesday. However, there'll be nary a cow visible in the television screen, and not for the reason one might suppose. The reason no cows will be employed is due to the rivalry between the Sheffield and Borden milk companies.

It seems that the Sheffield company thought up the idea for the contest, and the television angle. The company even obtained NBC's Clay Morgan to serve as master of ceremonies for the contest. But when the Borden company learned of what had been planned it announced that it was the only World Fair concessionaire allowed to display cows on the Fair grounds. So Sheffield and NBC are proceeding without the cows, only the milkmaids.

KING WHYTE, WLW ANNOUNCER, wrote a war poem the other day and included it in his midnight broadcast. In the mail the next morning Announcer Whyte received a notice from the Canadian consul to report to his regiment immediately. He is a native of Montreal.

THREE OF THOSE who were on the liner Athenia when it was torpedoed, and who are among the rescued, are identified with broadcasting in the Dominion. They are Judith Evelyn, CBC artist; Andrew Allan, announcer and commentator for CFRB, Toronto, and Harry Bramah, account executive of CBC. Miss Evelyn and Allan are engaged to be married.

"GOOD NEWS" no longer bears the stamp of the M-G-M studios, Culver City having dropped its affiliation with radio when the program signed off the air for the Summer. Except for some cast changes and the absence of studio plugs, it is essentially the same program as when it was being produced by the motion picture company. In place of M-G-M players the series now features free-lance players. Fannie Brice and Meredith Willison's orchestra are retained. The new vocalist is Connie Boswell.

Format of the program continues unvaried—first half variety, and final half-hour devoted to a dramatization.

Frank Morgan's absence is sadly missed, for his comedy in last season's "Good News" was a high spot. Roland Young's efforts seemed feeble in comparison to the laughs Morgan drew. Walter Huston is a definite asset to the hour. Here he is given more opportunity to display his versatility than any picture studio would dare afford him, and he made the most of his chance. He is an affable emcee. Fanny Brice's "Baby Snooks" continued to afford refreshing laughter while Miss Boswell again served notice that she is a top songstress.

Maxwell House Coffee commercials were repressed and not unduly long. The series is a Thursday night Red network feature.

ANNOUNCERS ON WHOM have been forbidden by management edict to mention Adolph Hitler by name in news commentaries. For the duration of the war he is to be referred to as "the German Chancellor." Other stations and the networks have prohibited the mention of Germany or of any of the heads of the warring nations, from being used in song parodies, comedy skits or dramatic productions.

HERBERT MARSHALL, has been signed to take the place of Charles Boyer in the Jergens-Woodbury dramatizations, which are to come back to the air shortly. Boyer now is in France.

LEITH STEVENS has won the orchestral assignment on the Edward G. Robinson "Big Town" series. Jacques Renard has won a similar assignment on the forthcoming Joe Penner series.

WOR WILL AGAIN BE THE NEW YORK OUTLET for the college football games to be broadcast under the sponsorship of Atlantic Refining. The schedule is for 10 games, including all the Yale contests except the Yale-Harvard game, and the games between Colgate-NYU, Pittsburg-Penn State and Penn-Cornell. In previous years Bill Slater handled the play-by-plays, but this season the choice is expected to be Al Helfer, currently assisting Red Barber in broadcasting baseball over WOR.

Form RKO Subsidiary

Dover, Del., Sept. 11.—RKO Radio Pictures Malaya, Inc., has been incorporated here with a capital of $10,000. Shares have a par value of $100. George Muchnic, Gordon E. Youngman and W. S. Savage were the incorporators.

Cleveland Museum Films

Cleveland, Sept. 11.—Free public showings of outstanding films from the screen of 1917 to 1928 will be presented here, starting Oct. 6, by the Cleveland Museum of Art in cooperation with the Museum of Modern Art Film Library.

$75,000 Set For Skouras Drive Prizes

National Theatres managers, by the end of this year, will have received an available maximum of $75,000 in cash prizes for business increases under a system whereby the circuit shares profits with employees.

A total of $25,000 was distributed in the Sypros Skouras Showmanship Campaign which ended July 5. In the fourth annual National Theatres drive which started last week, $25,000 will be distributed to district and theatre managers and another $25,000 has been set aside as bonuses for exceeding quota.

Last year the circuit gave away $15,000 in the Fall business drive.

The present campaign started Sept. 3 and will continue 16 weeks to Dec. 23. Thirty districts in the six divisions are competing, and prizes will be awarded to the 12 high ranking districts and their house managers. The bonus money will be distributed if the circuit average reaches a stipulated figure.

The quotas to be met vary and have been set on a basis of past performance, with the nature of the territory, business capacity of each house and other factors taken into consideration.

The annual drives are timed to start with the beginning of the release season, the idea being that managers "go to town" in selling the new product to their patrons and boost business.

Up to this year National Theatres conducted its business increase drives on a divisional basis. It has been found, however, that campaigns conducted on the smaller district unit basis are more effective. Intensive supervision is applied from the home office and a committee in contact with the field.

During the Spyros Skouras Showmanship Campaign, a committee of home office executives and divisional film buyers supervised progress. The same committee is functioning in the present drive, fixing quotas and deciding the rules. The committee includes H. C. Cox, treasurer; Sumner Gambee, vice-president; Edward Zabel, William T. Powers, J. J. Sullivan, Milton Hossfeld, Irving Barry and Aubrey Schenck.

Associates to Open Fall Meetings Today

Motion Pictures Associates, Inc., will open its Fall meeting today with a luncheon at the Hotel Astor. Chief business slated is a discussion of the annual dinner and dance. The affair, M.P.A.'s sole source of revenue, is usually held on Thanksgiving Eve, but since that day has been advanced one week by President Roosevelt, complications have arisen.

Italian Theatres Lead

Rome, Sept. 11.—Of 831,000,000 lire (valued at about 5¼ cents each) taken in by various amusements in 1938, 587,000,000 lire went to the motion picture theatres, according to data announced by the Italian Society of Authors and Editors. The attendance rose about 30 per cent from 1936 to 1938.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 51 NEW YORK, WEDNESDAY, SEPTEMBER 13, 1939 TEN CENTS

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Battle Isn't Settled Yet, AFA Warns

Actors Union to Carry On Says Whitehead

Asserting that the American Federation of Actors is still "the same old union fighting the battle of its members," Ralph Whitehead, executive secretary, advised his membership by letter last night that the council had decided to continue its fight against American Guild of Variety Artists, the affiliate of Associated Actors and Artistes of America.

Referring to the recent settlement reached between the 4-A and I.A.T.S.E. under the terms of which the A.F.A. lost its affiliation with the American Federation of Labor, Whitehead declared:

"Thousands of our loyal members resent this bold attempt to destroy our union, and there is an overwhelming nationwide demand that the A.F.A. 'carry on' and so your council has voted to do so."

Enforce Closed Shop Pacts

Whitehead stated that all closed shop agreements would be enforced. He implied that A.G.V.A. members would be required to join the A.F.A. in night clubs where A.F.A. contracts are in force. After pointing out that lawsuits were being continued, and that economies were being effected, Whitehead declared:

"This battle is not over by any means."

Effect of the declaration was the subject of speculation along Broadway yesterday. Deprivation of A.F. of L. affiliation means the probable loss of cooperation from the teamsters, stagehands, waiters, musicians and other groups which formerly aided the A.F.A.

Meanwhile, A.G.V.A. held its first

(*Continued on page* 11)

Bioff to Direct IA's Studio Negotiations

HOLLYWOOD, Sept. 12.—William Bioff, I.A.T.S.E. "minister without portfolio," today accepted chairmanship of the negotiating committee for 11 studio locals and notified Joseph M. Schenck, A.M.P.P. president, he would confer with him Thursday on "long overdue" wage scale and working conditions agreement. In taking the post at the behest of the 11 locals, Bioff is not rejoining the Alliance in an executive position, it was explained.

Newsreels Suffer War Gag

With the European war under way 12 days, the newsreels are being left at the post in coverage of the conflict, through circumstances beyond their control.

Action shots of the war are admittedly difficult to obtain because of censorship conditions. Meanwhile, the reels are using whatever British, French and few Polish preparedness films are passed by the censors. To fill the gap, newsreel theatres are using pictures made up of library shots of the World War.

Newsreel editors believe that as soon as supply channels are established, films will be coming through more or less regularly. The French Government already has taken steps to assure a weekly release, which will be given to all companies uniformly. The Government has pooled all newsreel facilities.

Movietone News, in the current issue, indicated a policy of shunning war films until newsworthy material arrives. The others are using films taken just before the outbreak of war, with emphasis on preparations in London, Paris and Red Cross activities in Poland, as well as air raid tests in London, the shipping tieup, eyewitness accounts of the sinking of ships, and the like.

Censorship of newsreels is unusually severe. Nothing is known of what will be permitted from Germany as cables to company representatives in Berlin go unanswered. Communication to other nations is also restricted.

Fight U.S. Attempts To Rush Trust Trial

Affidavits urging Federal Judge John C. Knox to defer his decision on the Government's application for a preference on the trial calendar for the New York anti-trust suit until such time as the defendant companies' obligations to reply to the Government's extensive interrogatories have been determined, were filed here yesterday.

An affidavit on behalf of Loew's, RKO, Paramount, 20th Century-Fox, Universal and Warners was filed by John F. Caskey of counsel for 20th Century-Fox. A second was filed by Herman Finkelstein of Schwartz & Frohlich for Columbia. Benjamin Pepper of O'Brien, Driscoll & Raftery will file a similar affidavit today for United Artists.

The Columbia affidavit asked that the Government's motion for an early trial of the anti-trust suit be denied by Judge Knox because of the extensive work which will be involved in furnishing answers to the 68 interrogatories covering the history and trade relations of the many corporate defendants and their subsidiaries. It estimated that it would require one year to answer all of the interrogatories.

Caskey's affidavit pointed out that the defendants' preparations for trial will have to be discarded if the time

(*Continued on page* 2)

WMCA Faces Loss Of F.C.C. License

WASHINGTON, Sept. 12.—Station WMCA, New York City, was today ordered by the F.C.C. to show cause why its broadcasting license should not be revoked for alleged illegal interception and broadcast of secret government messages from Germany and Great Britain. It is the Commission's first move toward disciplining radio since the war began.

The Commission's order asserted that it had information that WMCA had "caused the interception of secret radio communications sent by the governments of Germany and Great Britain, respectively, containing orders of the naval or military forces of said governments to govern the movements of said forces in time of war and therefore caused the said messages to be decoded and broadcast over the facilities of WMCA, all without authority of the respective senders of said communications."

MPPDA Directors Convene Sept. 27

Quarterly meeting of the board of directors of the M.P.P.D.A. has been scheduled for Sept. 27. Will H. Hays, president, is expected back in New York from the Coast about Sept. 25 to attend the meeting.

לשנה טובה תכתבו

1939 5700

Metro Denies War Slashes InProduction

No Salary or Personnel Cuts By Monogram

Nicholas M. Schenck, president of Loew's, Inc., and Metro-Goldwyn-Mayer Pictures, yesterday declared that his company at the present contemplates no curtailment in production or other retrenchments because of the war emergency.



Nicholas Schenck

Schenck said "it is foolish to think" that any major company will revise production budgets or schedules because "the producing companies are themselves large exhibitors."

Schenck's statement follows:

"There has been considerable speculation in the industry and in financial circles, regarding the position of the motion picture industry in the present world crisis. Many in the industry have expressed a fear that there would be a lowering in the quality of pictures, and reduced employment.

"I, personally, have refrained from forming any snap judgment but have chosen to await developments so that I could see our way ahead more clearly. At this moment it is foolish for anyone to think that our company—or any other major companies—will curtail production or lower the qual-

(*Continued on page* 11)

Push Plea to Reopen All British Theatres

LONDON, Sept. 12.—A joint trade deputation, including representatives of the Cinematograph Exhibitors' Association and the Kinematograph Renters' Society (distributors) will confer at the British Home Office tomorrow, pressing the case for a general reopening of all British film houses.

The group is expected to make a special point of the hardships which theatre employes will suffer if many of the houses remain closed indefinitely. The deputation also will point out the peculiar situation in some areas, where some houses are open, while others remain closed because of their location.

Independents Plan Reissue Of War Films

Major companies, with the exception of Universal, are planning no reissues of old war pictures, a check of home offices indicates.

Universal plans to reissue "The Road Back" and "All Quiet on the Western Front," but no other major company at this time appears to have any intention of attempting to cash in on the obvious public interest in war stories.

New prints of "All Quiet on the Western Front" will be prepared by Universal immediately, and a release date will be set as soon as it is known when the prints will be available.

Among independent companies, Principal Film Co. is releasing "The Dead March," produced in 1937 by Imperial Pictures. It is a compilation of actual World War shots, with narration by Boake Carter, and an off-screen voice, supposedly of an "Unknown Soldier." The film runs about 60 minutes.

Astor Pictures reports heavy bookings on "Hell's Angels," Howard Hughes production released originally by United Artists in 1930. Astor, headed by R. L. Savini, has been reissuing the film for three years, but withdrew it six months ago. Bookings have been set at the St. Louis Theatre, St. Louis, and the New Baltimore. The company also is reissuing "Sky Devils," a Hughes film.

Jewel Productions is reissuing "Forgotten Men," a World War film, originally distributed in 1933. The new title is "It Can Happen." The Rialto on Broadway has completed a week's run of the film. Jewel also is reissuing "War Is a Racket," released in 1934.

Goetz Quits England

Indications that Metro-Goldwyn-Mayer has decided to suspend all production in England is seen in the news that Ben Goetz, director of Metro production there, and Richard Thorpe, director, are sailing on the *Washington* from England. Work was halted on the Robert Montgomery-Maureen O'Sullivan film, "Busman's Holiday."

3 Flights Daily
NEW YORK
TO
LOS ANGELES
It's Cool All the Way!
THE PLAINSMAN
Lv. 7:10 A. M Ar. 12:29 A. M.
THE MERCURY
Lv. 5:10 P. M. Ar. 7:43 A. M.
THE SOUTHERNER
Lv. 10:10 P. M. Ar. 1:55 P. M.
Ask your travel agent or phone HAvemeyer 6-5000. Ticket offices: 45 Vanderbilt Ave. and Rockefeller Center at 18 W. 49th St.
AMERICAN AIRLINES Inc.

Purely Personal

EARLE W. HAMMONS, Educational-Grand National president, returned to New York yesterday from a business trip to Washington.

•

JOHN FARROW, director, has received world that his wife, MAUREEN O'SULLIVAN, will leave Ireland on the *Yankee Clipper* today. MISS O'SULLIVAN had been in London to work in "Busman's Holiday" for M-G-M.

•

ROY HAINES, Warner's eastern and Canadian sales manager, left last night for a visit to the company's branches in Boston, Detroit and Buffalo. He will return to the home office on Monday.

•

EDDIE DOWLING and JULIE HAYDEN will have the leading roles in "The Time of Your Life," which is being produced by DOWLING and the Theatre Guild. WILLIAM SAROYAN wrote the play.

•

IRVING DASHKIN, manager and film buyer of the Savoy, Jamaica, New York, was married Monday to SYLVIA SAGRANS. Couple are spending several days in Atlantic City.

•

ASHLEY ABEL, GEORGE STOETZEL, JAMES DELEVAN and WALTER LANG have been assigned to work on "The Ramparts We Watch."

•

AL WEISS, JR., manager of the Olympia, Miami, Florida, is here on a visit.

•

MR. and MRS. MENDEL SILBERBERG leave New York tonight for the Coast.

•

RICK RICKETSON, National Theatres division head at Denver, is in town.

•

MR. and MRS. JOHN D. HERTZ have returned to New York.

CHARLES SCHWARTZ of the Schwartz & Frohlich law firm found frost on his pumpkins yesterday and moved back into town with his family from the Stamford home where he spent the Summer.

•

PAT J. MULLEN, Hill Top Theatre, Pittsburgh; HARRY FRIED, Harry Fried Circuit, Wayne, Pa.; C. B. WOLF, Pimlico Theatre, Baltimore, and BENJAMIN BECK, Pimlico, Baltimore, among visitors to New York for the World's Fair.

•

CLARA BOCKELAGE, secretary to JOSEPH OULAHAN, Paramount Cincinnati branch manager, will join the Paramount offices in Los Angeles on Sept. 18.

•

BARNEY MCGILL, 20th Century-Fox cameraman, who had been visiting here, has been recalled to the studio.

•

GENE AUTRY is due in Hollywood tomorrow from New York, with a stopover in Chicago.

•

BILL SAAL, Republic representative, returns today from a visit with relatives in Texas.

•

GENE MURPHY of Loew's publicity staff is recuperating from an operation.

Ed Sullivan Loses Wanger Suit Plea

A motion by the News Syndicate Co., Inc., and Ed Sullivan to dismiss a $1,000,000 libel action brought against them by Walter Wanger and Walter Wanger Prod. was denied yesterday by N. Y. Supreme Court Justice Felix Benvenga, who ordered that the case be brought to trial.

The Wanger action was based on an article by Sullivan in the *N. Y. Daily News* which he alleged was injurious to his productions and his reputation as a producer. Justice Benvenga held that it was "a close question fact" whether the article was a fair and honest comment or an actual criticism of the plaintiff's productions.

Schwartz & Frohlich, attorneys, are acting for Wanger in the case.

U. A. May Have 3 Films on Broadway

United Artists may have three pictures playing on Broadway simultaneously about Oct. 1, as a result of the booking of "Eternally Yours" into the Roxy to follow "The Rains Came." Earlier bookings will be "Intermezzo" at the Music Hall and "The Real Glory" at the Rivoli.

Last United Artists picture to play the Roxy was also a Walter Wanger production, "I Met My Love Again," which played the house about a year ago.

Stars to Aid Jewish Benefit Show Nov. 15

The sixth annual "Night of Stars," theatrical benefit for the settlement of Jewish refugees in Palestine, will be held Nov. 15 at Madison Square Garden, by arrangement with the United Jewish Appeal. Nathan Straus, Administrator of the United States Housing Authority, is chairman.

Preliminary plans will be discussed at a luncheon at the Hotel Astor on Tuesday. Ben Boyar and Marvin H. Schenck, associate chairmen of the producing committee, will report.

Stars of screen, stage and radio who have appeared in the past are expected to volunteer again this year. They include Paul Muni, George M. Cohan, Leopold Stokowski, Kate Smith, Gertrude Lawrence, Edward G. Robinson, Alexander Smallens, Sophie Tucker, Walter Huston, Raymond Massey, Orson Welles and Irving Berlin.

Anna Ellmer Feted; 25 Years at Loew's

Anna D. Ellmer, office manager of Loew's advertising and publicity department, was honored at a testimonial luncheon yesterday at the Hotel Edison. About 40 were present, including members of the department and others from the company.

The occasion celebrated Miss Ellmer's 25th anniversary with the company. She started in Loew's vaudeville booking office under Joseph M. Schenck.

Miss Ellmer received a desk set. Among those present were Oscar A. Doob, Ernest Emerling, Eddie Dowden, Art Schmidt, Gene Murphy, Hattie Helborn, Len Cohen, Matie Hammerstein, Pete McCarthy, Arthur Herschman and May Stalow.

Majors Fight Aim to Speed Trust Trial

(*Continued from page* 1)

of those working on the defense is to be given to preparing answers to the interrogatories. It added that the Government's queries confirm the defendants' statements, in opposing the motion for a preference originally, that the scope of the issues involved in the case requires careful and time-consuming preparation.

A 30-day extension of the time in which the defendants may answer the interrogatories was agreed upon last week by attorneys for the companies and Paul Williams, Assistant U. S. Attorney General. The extension gives the companies until Oct. 7 to answer or make objections to the Government's queries. After objections have been made, a hearing on them must be held by the court and a decision made as to whether or not the questions objected to must be answered.

If the defendants' affidavits prevail with the court, no preference may be given the case, in which event it would be reached for trial some time next March.

Most defendants who have decided by now on their policy in replying to the interrogatories will answer as many queries as they are able, will object to others as being improper, and will respond to others by declaring, as the Government did in answering the defendants' bills of particulars recently, that they lack the information sought.

Schine Asks Details In Anti-Trust Case

BUFFALO, Sept. 12.—Schine Chain Theatres, Inc., through its attorney, Willard McKay, today filed a motion for a bill of particulars in Federal court here in the anti-trust action of the U. S. Department of Justice against the Schine circuit and eight major companies alleging conspiracy.

Earlier this week, a motion for a preliminary injunction to restrain the circuit from alleged block booking with the major companies was filed in Federal court by U. S. Attorney George L. Grobe. The motion will be argued next Monday.

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TO OUR FRIENDLY CUSTOMERS!

Each year at this time M-G-M takes opportunity to address a heart-to-heart message to its customers.

Your confidence and faith, for which we are so deeply grateful have already been answered in practical terms.

M-G-M answers your loyalty with the most optimistic studio outlook of any past period.

We reaffirm what has been known for years: The Friendly Company policy of fair selling, friendly dealing in all phases of operation.

Our new product is literally the Talk of the Industry.

"THE WOMEN" has established itself in its first engagements as a glorious box-office hit!

"BABES IN ARMS" is already rated in the trade the most sensational attraction which has ever launched a new year.

"NINOTCHKA", "BLACKMAIL", "THUNDER AFLOAT" won trade acclaim in previews. They are smashing entertainments, each one of them!

They are just the beginning!

We will not side-step our responsibility to bring glamour, magic, spectacle to the screen . . . the inspiration that lifts the motion picture from the humdrum and keeps public interest alive. Only M-G-M with its willingness to dig deep into its resources does it!

The new season begins auspiciously. Your encouragement spurs us on. Your success is necessary to our success.

To Our Friendly Customers we dedicate ourselves!

Rise of Peso Is Benefiting Distributors

MEXICO CITY, Sept. 12. — The strengthening of the peso since the outbreak of the war in Europe has been of considerable benefit to American distributors here, because with the slump in the rate to about five pesos to the dollar from the rate of six to a dollar which had maintained over a period of the last two months, they are able to send money to the United States more advantageously.

Dollars were strengthened somewhat today owing to the accumulation of large amounts of dollars thrown into this market by Germans who are jittery over the possibility of American banks placing an embargo on German funds, as well as heavy buying of raw material and the purchase of Mexican farms by Spanish refugees.

Picture production has picked up here. Five productions are under way in local studios that have been idle for some time.

Radio stations throughout Mexico have been warned to be strictly neutral with regard to war news and comments on the conflict, by the Ministry of Communications and Public Works, director of air affairs in this country. This same rule applies to politics.

Censorship to help censorship has been established by Mexican picture producers and film laborites with institution of the national pictures classification council. All Mexican-made films must be reviewed by this council—before they can be exhibited. The idea is to assure that only the best domestic films shall be screened. Manuel Rivas is president and Juan Rezet is secretary-manager of the council.

Large-scale distribution of made-in-Mexico pictures has been started in Spain by Antonio Soria, a Mexican, who has opened offices in Madrid. He plans 32 productions.

Republic at Highest Three Months' Peak

HOLLYWOOD, Sept. 12. — Pushing ahead its production schedule despite a possible drop in foreign grosses, Republic today announced that with the start of three pictures Friday the studio will be at a three months' shooting peak. Two pictures are now shooting.

Herbert J. Yates, guiding hand of Republic, is expected to arrive Monday for conferences on future activities of the studio.

To be started Friday are "Zorro's Fighting Men," "Rovin' Tumbleweeds" and "Covered Trails." In work now are "Abraham Lincoln Boggs" and "Jeepers Creepers."

Delay Fox West Reply

HOLLYWOOD, Sept. 12. — Alfred Wright, attorney for 20th Century-Fox, and several other defendants in the criminal contempt action brought by the government against Fox West Coast and major distributors here, said today that no answers would be filed until Sept. 25 or later.

Hollywood Preview

"Honeymoon in Bali"

(Paramount)

HOLLYWOOD, Sept. 12.—This is as smart, sophisticated and diverting a comedy as has come from a camera this year. It is built for adult entertainment and its situations and dialogue take their pungency frankly from the thing scientists refer to as the biological urge, Fred MacMurray portraying the conquering male and Madeleine Carroll the resistant female in a pair of mannerly and brilliantly humorous 'though realistic and outspoken performances. In no sense a film for the kiddies, it is in every sense a must-see for the mature and intelligent film fan.

MacMurray and Miss Carroll have seldom if ever performed so well and Akim Tamiroff, playing two widely separated bits, joins with Allan Jones, who gets in a couple of song numbers without stopping the story, Helen Broderick, Osa Massen, a stage recruit of potent personality, and Carolyn Lee, a four-year-old beginner who steals the picture repeatedly, round out a sparkling support. Dialogue furnished them by Virginia Van Upp, who based the screenplay on stories by Grace Sartwell Mason and Katharine Brush, is unfailingly bright, occasionally brazen, invariably fitted like a glove to situation and speaker and never for an instant unamusing. E. H. Griffith's direction is flawless and Jeff Lazarus' production leaves nothing whatever for persons interested in finely staged comedy to desire.

The story is at bottom a boy-meets-girl affair, but the treatment is unlike any the meeting has been given in ready memory. The boy is an American resident of Bali vacationing in New York and the girl is boss of a department stores, successful, independent and determined to stay that way. He sets out to convince her that she can't get along without a mate, she digs in to prove that she can, and each persists in defense of theory until the girl's doctor tells her, after an otherwise explainable illness, that she needs a husband and children. By this time the boy's on the verge of marrying another girl, so the girl decides to marry another man, but they get together ultimately. Meanwhile the male has displayed his interest in the female by more and blunter blandishments, oral and manual, than have been portrayed on the screen since Gable convinced Shearer in "A Free Soul."

Running time, 95 minutes. "A."* ROSCOE WILLIAMS.

**"A" denotes adult classification.*

Hearing Postponed On Oklahoma Writ

OKLAHOMA CITY, Sept. 12.—Continuance of the hearing of Oklahoma Theatres, Inc., on its application for an injunction against major distributors here has been granted by Federal District Judge A. P. Murray. The injunction seeks to compel distributors to sell film to the firm. The next hearing date is Oct. 2.

Action was filed here last week by operators of the Odeon Theatre, Shawnee, which shows second and subsequent run pictures. It is alleged that there are many films in the distributors' vaults here upon which these rights have not been sold and which distributors refuse to sell to the plaintiff at any price.

A. B. Momand, whose anti-trust suit against the producers, distributors and the Griffith Amusement Co. is pending in the same court here, is owner-operator of Oklahoma Theatres, Inc.

Plan ITPA Outing

MILWAUKEE, Sept. 12.—The I. T. P. A. of Wisconsin and Upper Michigan is holding an industry outing and banquet Sept. 18 at the Hotel Geneva at Lake Geneva.

Import 2 French Films

French Cinema Center, Inc., has acquired for distribution in the United States two French films, "Aux Jardins de Murcie" and "L'Or Dans la Montagne."

Legion Approves 11 Of 13 New Pictures

National Legion of Decency for the current week has approved 11 of 13 new films reviewed, nine for general patronage and two for adults, while two have been classed as objectionable in part. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage—"The Adventures of Sherlock Holmes," "Babes in Arms," "Charlie Chan at Treasure Island," "Everything's on Ice," "Konga, the Wild Stallion," "The Man Who Dared," "Nurse Edith Cavell," "She Married a Cop," "Torchy Plays with Dynamite." Class A-2, Unobjectionable for Adults—"News Is Made at Night," "One Hour to Live." Class B, Objectionable in Part—"Midnight Menace," "Royal Divorce."

Broadway Clinging To Strong Grosses

Broadway first runs continued to show strong grosses over the past week. "The Star Maker" closed its second week at the Paramount yesterday with an estimated $41,000. It holds over for a third week.

First five days of "The Rains Came" brought an estimated $55,000 to the Roxy. The 100,000 attendance mark was passed at 10 a.m. At the Globe, "Angels Wash Their Faces" drew an estimated $12,000 in its first week and it is continuing for a second. "Goodbye, Mr. Chips" fell off somewhat in its 17th week at the Astor with an estimated $9,000.

'Beau Geste' Leads in Hub With $21,000

BOSTON, Sept. 12.—"Beau Geste" and "Quick Millions" took a smash $21,000 at the Metropolitan. "In Name Only" and "Frontier Marshal" drew $19,000 at the Keith Memorial. Largest total gross was drawn by "Lady of the Tropics" and "These Glamour Girls" at Loew's Orpheum and State—$33,000; $18,600 and $14,500, respectively.

Estimated takings for the week ending Sept. 11:

"Exile Express" (G. N.) (4 days with vaudeville)
"Bad Lands" (RKO) (4 days with vaude.)
"The Kokomo Kid" (W. B.) (3 days)
"Charlie Chan in Reno" (20th-Fox) (3 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross: $7,000. (Average, $7,000)

"In Name Only" (RKO)
"Frontier Marshal" (20th-Fox)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 8 days. Gross: $19,000. (Average, $14,000)

"The Star Maker" (Para.)
"Death of a Champion" (Para.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $8,500. (Average. $7,000)

"The Star Maker" (Para.)
"Death of a Champion" (Para.)
FENWAY — (1,382) (25c-35c-40c-55c) 7 days. Gross: $6,300. (Average, $4,500)

"Beau Geste" (Para.)
"Quick Millions" (20th-Fox)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days. Gross: $21,000. (Average, $14,500)

"Lady of the Tropics" (M-G-M)
"These Glamour Girls" (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: $18,600. (Average, $14,000)

"Lady of the Tropics" (M-G-M)
"These Glamour Girls" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: $14,500. (Average, $11,000)

"Angels Wash Their Faces" (W. B.)
"The Magnificent Fraud" (Para.)
SCOLLAY— (2,500) (25c-35c-40c-50c) 7 days. Both 2nd run. Gross: $4,700. (Average, $4,000)

'Maker' Is $7,500 New Haven Winner

NEW HAVEN, Sept. 12.—"The Star Maker" and "Unmarried" at the Paramount grossed $7,500 in 10 days. The Loew-Poli, with "The Women" and "They All Come Out" drew $10,000. Labor Day week end was good but not notable.

Estimated takings for the week ending Sept. 8:

"The Wizard of Oz" (M-G-M)
"Blondie Takes A Vacation" (Col.)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $2,800. (Average, $2,700)

"The Women" (M-G-M)
"They All Come Out" (M-G-M)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $10,000. (Average, $8,000)

"The Star Maker" (Para.)
"Unmarried" (Para.)
PARAMOUNT—(2,348) (35c-50c) 10 days. Gross: $7,000. (Average, $4,000)

"The Angels Wash Their Faces" (W. B.)
"Everybody's Hobby" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $5,500. (Average, $5,000)

'Cavell' in Loop Monday

CHICAGO, Sept. 12.—The midwestern premiere of "Nurse Edith Cavell" will be held at the Palace on Monday. An elaborate premiere is planned with several dozen critics from surrounding cities invited to attend. Herbert Wilcox, producer, and Anna Neagle, star, will arrive here Saturday and stay for the premiere.

NO WAR OF NERVES FOR PARAMOUNT EXHIBITORS

Because . . .

There will be absolu

NUMBER or

Paramount Pictures

1 What effect will the European War have on picture production?

2 Will production schedules be curtailed?

3 Will product be cheapened?

These are the most important questions in the picture business today!

OKAY, Mr. Exhibitor

. . . here's Paramount's answer!

tely no change in the QUALITY of promised for 1939-40

1 None of Paramount's huge line-up of pictures for 1939-40 will in any way be affected by the foreign situation!

2 Paramount will not back down ...on Paramount promises!

3 No Paramount picture is, or will be, cheapened in production!

On the next two pages we proudly print Paramount's amazing product story for the 1939-40 season. Read it and you'll know why the European War cannot hand any Paramount exhibitor the PRODUCT JITTERS!

Your insurance against a shorta

PARAMOUNT PRODUCTIO

COMPLETED 100%

"Death of a Champion"

"Range War"

"Beau Geste"

"$1,000 a Touchdown"

"Honeymoon in Bali"

"What a Life"

"Jamaica Inn"

"Television Spy"

"Disputed Passage"

"Rulers of the Sea"

"The Cat and the Canary"

"St. Martin's Lane"

"Seventeen"

"French Without Tears"

"Geronimo!"

"Happy Ending"

"Our Neighbors—the Carters"

"The Light that Failed"

"Parole Fixer"

"Dr. Cyclops" [In Technicolor]

"Untamed" [In Technicolor]

"Diamonds Are Dangerous"

"Emergency Squad"

"The Llano Kid"

"Law of the Pampas"

"The Medicine Show"

ge of big pictures this season...

N SCHEDULE 1939-1940

SHOOTING

Started
July 27 "Remember the Night"
July 31 "Typhoon"
Aug. 14 "Gay Days of Victor Herbert"
Aug. 25 "Campus Wives"

Started
Aug. 29 "Knights of the Range"
Sept. 5 "The Farmer's Daughter"
Sept. 5 "Strange Money"

Max Fleischer's "Gulliver's Travels" [In Technicolor]

SCHEDULED FOR PRODUCTION

Shooting Date
Sept. 13 "Opened by Mistake"
Sept. 25 "Road to Singapore"
Sept. 28 "The Way of all Flesh"
Oct. 2 "Safari"
Oct. 10 "Texas Rangers Ride Again"
Oct. 15 "Buck Benny Rides Again"
Nov. 8 "Comin' Round the Mountain"
Nov. 15 "The Golden Gloves"

Shooting Date
Jan. 2 "Royal Canadian Mounted Police" [In Technicolor]
Jan. 10 "Hot Ice"
Jan. 17 "The Broken Heart Cafe"
Feb. 14 "Woman From Hell"
Colbert Production
"Light of Western Stars"
Three More "Hopalong Cassidys"

. . . others to be announced

Paramount Pictures



The Paramount Seal is

Your GUARANTEE of QUALITY of PRODUCT

QUANTITY of PRODUCT

This Year

More Than Ever Before!

Metro Denies War Slashes InProduction

(*Continued from page 1*)

ity of pictures for the reason that the producing companies are themselves large exhibitors, and have three to four times as much capital invested in theatres as in production. If we are to operate our theatres successfully, we must have outstanding pictures and plenty of them.

"Furthermore, I believe that the orders closing theatres in England and France will gradually be relaxed as conditons permit, so as to make possible the furnishing of needed entertainment to the civilian population of the warring countries. However, should our foreign losses exceed present expectations, we will at that time consider ways and means of meeting the emergency."

Monogram Denies Salary, Personnel Cuts

HOLLYWOOD, Sept. 12.—W. Ray Johnston, president of Monogram, today declared that the company will institute no reductions in salaries or personnel because of war conditions.



W. R. Johnston

Johnston regards the war as favorable rather than unfavorable to Monogram prospects. He has started conferences with Scott R. Dunlap, vice-president in charge of production, with a view to increasing budgets on major pictures which it is believed can be sold in territories and theatres not formerly available to Monogram.

One possibility being explored is the abandonment of some of the lower budget films and the addition of funds thus conserved to budgets of bigger pictures.

Johnston's belief is that cessation of foreign production will create a shortage of medium priced product in South America, Spain and parts of Europe still open and that Monogram can expect to expand distribution in those areas.

The Monogram president will remain in Hollywood 10 days.

20th-Fox Near Normal In 60% of Paris Area

Operations of 20th Century-Fox are near normal in 60 per cent of the Paris area, Ben Miggins, European manager, has advised Irving Maas, foreign service manager.

The two held a telephone conversation late last week, this being the first contact with the Paris office since war was declared. Miggins said that the Paris office was prepared to make a hurried transfer to a suburban town if it became necessary.

Ninety per cent of the French organization's personnel has been enlisted, and the gaps are being filled with women.

BANNER RADIO LINES

By JACK BANNER

JIMMIE FIDLER CAME BACK TO THE AIR last night—bells, open letters, little black book and all—over 61 CBS stations in a program that looks like trouble ahead.

Unless the motion picture industry and the networks have changed their attitude, Fidler is again going to be highly unpopular around the motion picture studios and in the headquarters of the networks. That is, of course, if he pursues the program outlined for him in a statement issued by the H. W. Kastor & Sons Advertising Agency, which handles the account for Procter and Gamble, Fidler's sponsors.

In his new series (according to the agency's statement) Fidler will "lift the ban of censorship" and will once again "blast the airwaves with Hollywood news that makes history." Here are excerpts from the statement by the Kastor agency:

"Fresh from a vacation in Honolulu where he took a long distance perspective view of himself, Jimmie Fidler came to the conclusion that something had to be done about the censorship ban on his program. Almost as soon as the boat landed back in California, he at once boarded a plane for Chicago, where two days were spent behind closed doors with executives of Procter & Gamble, makers of Drene Shampoo, H. W. Kastor & Sons Advertising Co., broadcasting officials and others. The result was that the old Fidler will once again blast the airwaves with Hollywood news that makes history.

"Fidler will go back to One Bell and Two Bell pictures again after last year's trial period, during which he praised practically every motion picture Hollywood produced, in order to help the motion picture industry through a depression period. That period, Fidler now says, has passed and the time to tell the public the truth about one bell and two bell pictures has come back. That is what he proposes to do.

"Among other special features, Fidler also proposes to carry on with his famous Open Letter. He has several planned already—one to Walter Wanger . . . another to Bette Davis. And, of course, the famous Fidler 'Little Black Book' will be in the Fidler program once more."

It will be remembered that Fidler caused so much trouble for the motion picture and radio industries a season ago, that Major Lohr and Niles Trammell, president and executive vice-president of NBC, and later, Bill Lewis, CBS vice-president in charge of programs, all made trips to Hollywood specifically to talk with the heads of the major studios about Fidler and his weekly broadcasts.

RIVALRY BETWEEN Lux Radio Theatre and Orson Welles had CBS wedged in a cross fire yesterday, with the network's program heads driven nearly daffy. Radio Theatre and Welles both intend to offer dramatizations of the Bronte story, "Wuthering Heights," a week apart, and each wants the other to desist from doing the story. Thus far it's a no-decision affair.

Associates' Dinner, Dance in November

Plans for the Motion Picture Associates' annual dinner and dance were discussed at the organization's first luncheon meeting of the season at the Hotel Astor yesterday.

It has been decided to have the affair late in November. Meetings will be held weekly to plan for the affair, the next luncheon being scheduled Sept. 21 at the Hotel Lincoln. Moe Sanders, chairman of last year's event, is serving as committee chairman pro tem.

Jack Ellis, president, reporting on the Associates' charitable activities, said that more money had been distributed to the distressed in the industry in the last six months than in any previous similar period.

An effort will be made to obtain the cooperation of the organized industry or individual major film companies in the charity work. The annual dinner and dance has been the chief source of income for the purpose.

Paramount Dividend

Paramount board of directors yesterday declared the regular quarterly dividends on the company's first and second preferred stock. A dividend of $1.50 per share on the first preferred and 15 cents per share on the second was authorized for payment on Oct. 2 to holders of record on Sept. 22.

Warner Club to Elect

The annual election of the board of governors and officers of the National Warner Club, Inc., will be held at the Warner Home Office on Sept. 30. Delegates from all branches of the Club will take part in the election.

Battle Isn't Settled Yet, AFA Warns

(*Continued from page 1*)

meeting in New York at the Hotel Astor last night. Since the meeting was not limited to members, no formal action was taken. Jean Muir, who is in charge of the current organizing campaign, asserted yesterday that A.G.V.A. membership is now between 3,000 and 4,000 with 100 per cent of the performers in about half of the metropolitan night clubs signed up. A.F.A. contracts are being enforced for A.G.V.A. members, Miss Muir stated, but the real campaign for contracts will not start until mid-December.

Status of Sophie Tucker, A.F.A. president, is still uncertain. She stated yesterday that she was unaware of the latest developments and would await Whitehead's return to his office before making any statement. Her status was discussed at a council meeting of Actors Equity yesterday, but it was decided not to take any action until it is seen whether she joins the A.G.V.A. when she starts her next night club date.

WGEO Expands Air Schedule to Europe

SCHENECTADY. Sept. 12.—An increased operating schedule for General Electric's WGEO that will provide European listeners with three more hours of American programs daily, has been instituted.

Directional antennas will be used, pointed on London, for the additional service from 3 to 6 P. M. General Electric's service to Europe heretofore has been confined to WGEA, which transmits from 11:15 A. M. to 6 P. M. This station will retain the same schedule in addition to the new service from WGEO.

KGEI, the company's station at the Golden Gate Exposition, will add a new frequency to its two already in use.



'Star Maker' Gets $12,000 In Twin Cities

MINNEAPOLIS, Sept. 12.—The combination of the "Folies Bergere" and "Miracles for Sale" was the best business getter in Minneapolis, getting $15,000 at the Orpheum. "The Star Maker" got $7,500 at the State.

In St. Paul, the best business also was done by "The Star Maker," which drew $4,500 at the Paramount.

Estimated takings for the week ending Sept. 7:

Minneapolis:

"Woman Is the Judge" (Col.)
"Million Dollar Legs" (Para.)
ASTER—(900) (15c-25c) 6 days. Gross: $1,600. (Average, $1,500)
"The Wizard of Oz" (M-G-M)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross $5,300. (Average, $4,000)
"Frontier Marshal" (20th-Fox)
GOPHER—(990) (25c) 7 days. Gross: $3,000. (Average, $2,500)
"Within the Law" (M-G-M)
MINNESOTA—(4,300) (15c-30c) 7 days. Stroud Twins. Gross: $8,000. (Average, $6,000)
"Miracles For Sale" (M-G-M)
ORPHEUM—(2,900) (35c-55c) 7 days. "Folies Bergere." Gross: $15,000. (Average, $4,800 without stage attraction)
"The Star Maker" (Para.)
STATE—(2,300) (25c-40c) 7 days. Gross: $7,500. (Average, $4,400)
"Four Feathers" (U. A.)
WORLD—(400) (25c-55c) 7 days. Gross: $2,100. (Average, $1,600)

St. Paul:

"Each Dawn I Die" (W. B.)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $3,600. (Average, $3,200)
"The Star Maker" (Para.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $4,500. (Average, $4,000)
"These Glamour Girls" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,900. (Average, $1,800)
"News Is Made at Night" (20th-Fox)
"Million Dollar Legs" (Para.)
"The Hobby Family" (W.B.)
"House of Fear" (Univ.)
TOWER—(1,000) (25c) 7 days. Dual bills split week. Gross: $1,700. (Average, $1,600)
"Paroled from the Big House"
WORLD—(400) (25c-55c) 6 days. Gross: $600. (Average for week, $700)

'Oz' Gets $9,000, Milwaukee's Best

MILWAUKEE, Sept. 12.—"The Wizard of Oz" was the week's best with $9,000 at Fox's Wisconsin. Second money went to the Fox Palace where "The Star Maker" and "Back Door to Heaven" collected $6,100.

Estimated takings for the week ending Sept. 7:

"The Star Maker" (Para.)
"Back Door to Heaven" (Para.)
PALACE—(2,400) (25c-35c-50c) 7 days. Gross: $6,100. (Average, $4,000)
"Parents on Trial" (Col.)
RIVERSIDE — (2,700) (25c-30c) 7 days. Stage: "Impressions of 1939." Gross: $6,500. (Average, $6,500)
"Stanley and Livingstone" (20th-Fox)
"When Tomorrow Comes" (Univ.)
STRAND — (1,400) (25c-35c-50c) 7 days. Gross: $1,500. (Average, $1,500)
"The Old Maid" (W. B.)
"Everybody's Hobby" (W. B.)
WARNER—(2,400) (25c-35c-50c) 7 days. Gross: $6,000. (Average, $4,500)
"The Wizard of Oz" (M-G-M)
WISCONSIN—(3,200) (25c-35c-50c) 7 days. Gross: $9,000. (Average, $5,500)

Reopen Brooklyn Strand

The Brooklyn Strand reopens tomorrow with its former policy of double bills. The house, one of the Fabian circuit, has been closed since late Spring. William J. McLaughlin returns as house manager.

Theatre, Personnel Notes

Reopen Chicago Theatre

CHICAGO, Sept. 12.—The renovated Lex, formerly known as the Lexington, has been reopened by the new owners, the Indiana-Illinois circuit headed by Alex Manta and Jack Rose. This makes the 27th theatre in the circuit. The Lex is being managed by Ray Wheeler.

Reopen in Cedar Rapids

CEDAR RAPIDS, Ia., Sept. 12.—The Strand was reopened last week by H. A. Sardoni, Minneapolis hotel owner, who returns to show business after 20 years. W. R. Karsteter will manage the theatre, which seats 500.

Tri-States Reopens House

DAVENPORT, Ia., Sept. 12.—Tri-States Theatre Corp., will reopen the Columbia here after extensive remodeling. When completed it will seat 800. The house has been dark the past six years.

Central States Building

BURLINGTON, Ia., Sept. 12.—John Widerberg, Des Moines contractor, will build the new theatre for the Central States circuit here. L. J. Wegener is in charge of the work for for the circuit.

Takes Indiana House

RENSSELAER, Ind., Sept. 12.—Arthur J. Johnson has taken over the Remington and has put Harold Heyer in as manager. The house, now under construction, will be completed soon.

Building in Indiana

FOWLER, Ind., Sept. 12.—Michael Kuh of Chicago has started the construction work on the new theatre here and expects to finish the job by Nov. 1.

Remodel in Chicago

CHICAGO, Sept. 12.—Steve Nemet, owner of the Burnside, is redecorating the house completely. The theatre will be kept open during the alterations.

Buys Iowa Theatre

CHEROKEE, Ia., Sept. 12.—Joe Steeg has purchased the Time from C. E. Werden here. Steeg also has the theatre at Primghar, Ia.

Manages Illinois House

WASHINGTON, Ill., Sept. 12.—Maynard Meyers will manage the new Tazewell here. Meyers comes from Eureka, Ill.

Buys Chicago Theatre

CHICAGO, Sept. 12.—The Schoenstadt circuit has purchased the New Regent from Philip and Jennie Goldberg.

Remodel Akron Theatre

AKRON, Ind., Sept. 12.—The Madrid here has been completely remodeled, according to manager Karl B. Gast.

Buy Indiana House

WASHINGTON, Ind., Sept. 12.—M. Switow & Sons have purchased the Temple Court Theatre here.

Remodel in San Antonio

SAN ANTONIO, Sept. 12. — The Prince, owned by Joseph Oppenheimer, is being remodeled.

Move Tri-States Managers

DES MOINES, Sept. 12. — Edward Forrester, manager of Tri-States' Omaha theatre in Omaha, has resigned. Other changes among circuit managers include the following: A. Don Allen, manager of the Des Moines, will manage the Omaha, and Harry Holdsberg, formerly manager of the Paramount here, has been made manager of the Des Moines. Eddie Dunn, manager of the Strand in Waterloo, Ia., has been named manager of the Paramount in Des Moines; Maurice Crew, manager of the Hyland since it opened last year, has been transferred to the Strand in Waterloo; Robert Leonard, manager of the Garden, will manage the Hyland and Tony Abromovitch, assistant manager of the Strand in Des Moines, will manage the Garden.

Buys Savannah Theatre

SAVANNAH, Ga., Sept. 12.—W. B. Braswell has purchased the Star theatre from W. S. Scott. Before coming to Savannah a year ago, Braswell lived in Columbus where he was a member of the Martin Theatre staff and general manager of the Liberty for 10 years.

Sells 2 Washington Houses

SEATTLE, Sept. 12.—Ted Wilson has sold the Vale in Cashmere and Alpine in Leavenworth, Wash., to join the Boeing Airplane Co. here. C. L. Faskin has purchased the Royal in Cashmere from Bert Williams.

Martin Friedman Promoted

Martin Friedman of the Warner home office playdate department has been promoted to the booking staff of the Cleveland branch office, under Branch Manager Herb Ochs.

Starts "Family Nights"

MANSON, Ia., Sept. 12.——W. H. Smith, owner of the Manson, has started "family nights," Wednesday and Thursday of each week, when the entire family may attend at bargain prices.

Reopening in New Haven

NEW HAVEN, Sept. 12.—Michael Tomasino, who operates the White Way. and Victory, shortly will reopen the latter, which has been closed for the Summer.

Open New Iowa Theatre

POCAHONTAS, Ia., Sept. 12.—Jack Bouma has opened his new $30,000 theatre, the New Rialto here, which has been under construction since last Spring.

Moves Equipment

DENVER, Sept. 12.—Fred Flanagan, who operates at Stratton, Col., has moved equipment from his theatre at Vona, Col., to Seibert, Col.

To Install Projectors

BRIDGEPORT, Conn., Sept. 12.—Harold Tabackman will install new projectors in the Bostwick Theatre, as well as a new screen.

Stays In Providence Post

William McCourt of the Keith Memorial staff in Boston remains in Providence as acting manager of the RKO Albee.

'Beau Geste' Hit in Frisco With $20,500

SAN FRANCISCO, Sept. 12.—"Beau Geste" drew an excellent $20,500 at the Fox, with "Golden Boy" and "Behind Prison Gates" pulling a good $10,800 at the Orpheum. Business generally was up, "In Name Only" drawing $15,800 in the second week at the Golden Gate, and "Four Feathers" pulling $9,500 in the second week at the United Artists.

Estimated takings for the week ending Sept. 5-8:

"In Name Only" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c), 7 days, 2nd week. Stage: vaudeville. Gross: $15,800. (Average, $15,000)
"Golden Boy" (Col.)
"Behind Prison Gates" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days. Gross: $10,800. (Average, $8,000)
"Stanley and Livingstone" (20th-Fox)
"Charlie Chan at Treasure Island" (20th-Fox)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 4th week. Gross: $5,000. (Average, $6,000)
"Beau Geste" (Para.)
Night Work" (Para.)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: $20,500. (Average, $16,000)
"The Star Maker" (Para.)
"Magnificent Fraud" (Para.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $10,000. (Average, $11,500)
"Four Feathers" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $9,500. (Average, $8,000)
"The Angels Wash Their Faces" (W.B.)
"Miracles for Sale" (M-G-M)
WARFIELD—(2,680) (15c-30c-40c) 7 days. Gross: $11,000. (Average, $12,000)
"Stolen Life" (Para.)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $1,200. (Average, $1,000)
"Ready for Action" (Foreign)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $800. (Average, $1,000)

Roosevelt Opposed To Air Censorship

WASHINGTON, Sept. 12.—President Roosevelt is opposed to any censorship of radio and would like to have broadcasting and the press on an equality, it was said at the White House today.

Praising the agreement announced last night by the networks, under which safeguards are to be placed around the broadcasting of war news, bulletins and comment, Secretary Stephen T. Early said that the Government had had no hand in the development of that program and that it was entirely a voluntary move by the industry.

Early's comments were made in response to questions as to censorship charges which have been made by isolationist members of Congress.

Musicians Ask New Studio Jobs Parley

American Federation of Musicians is requesting Oct. 17 as a date for another conference with film company heads on possible measures for reemployment of musicians by the industry.

Several such conferences have been held during the past year but no definite proposals for aiding the musicians in solving their unemployment problem resulted.

Members of the musicians' executive board will attend the American Federation of Labor convention, Oct. 2 to 14, as delegates, before again conferring with the film company heads.

"Finest"

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Foreign Film Stocks in U.S. Are Plentiful

American distributors of European films have varying supplies of product on hand which in some cases is sufficient to last them for six months to a year, a check-up yesterday revealed.

Effects of the current production curtailment in England and France is not expected to be felt by these importers and distributors for at least another three months, they said.

Budd Rogers of Alliance Films, distributor for Associated British Pictures, reported 12 features and a complete list of short subjects and novelty reels on hand here, sufficient for a year's supply, he said. Mack Littman, importer of British and French product, reported sufficient film on hand for several months.

What the situation will be after that is indefinite now and dependent entirely upon developments abroad within the next few months, he said.

Similar reports were received from other New York importers.

Rogers pointed out that Alliance already has "Dead Men Tell No Tales," "Black Limelight," and "Housemaster" in release and that these will be followed by "North Sea Patrol" in October. "Just Like a Woman" is set for November release and following that will come "Spies of the Air," "One Night in Paris," "The Hidden Menace," "The Terror," "Little Miss Molly," "Black Eyes," and "Mystery of Room 13."

'Maker' at $6,000 Cleveland's Best

CLEVELAND, Sept. 12.—"The Star Maker," moved to Loew's Stillman, made the best showing here with $6,000. "Lady of the Tropics" at Loew's State and "In Name Only" at Warner's Hippodrome drew $12,000 each.

Estimated takings for the week ending Sept. 7:

"When Tomorrow Comes" (Univ.)
ALLEN — (3,000) (30c-35c-42c) 7 days. Gross: $4,500. (Average, $4,000)
"In Name Only" (RKO)
WARNER'S HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $12,000. (Average, $11,000)
"The Angels Wash Their Faces" (W.B.)
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $8,000. (Average, $8,000)
"Lady of the Tropics" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $12,000. (Average, $11,000)
"The Star Maker" (Para.)
LOEW'S STILLMAN — (1,900) (30c-35c-42c) 7 days. 2nd week. Gross: $6,000. (Average, $4,000)

Too Many Passes

Mexico City, Sept. 12.—The only film house in Coatepec, Vera Cruz State, coffee center that is in a bad way now because of the depression of the bean, is in peril of passing out because, the exhibitor complains, he has to issue too many passes. The worst of it is, avers the exhibitor, that most of these passes are for laborites who pass themselves off as "inspectors."

The exhibitor has appealed to the municipal authorities for help.

Feature Reviews

"The Housekeeper's Daughter"

(U. A.-Hal Roach)

HOLLYWOOD, Sept. 12.—It takes "The Houskeeper's Daughter" a slow reel or so to get warmed up. Thereafter the offering is a whirligig of nonsensical farce comedy. Under Hal Roach's direction the amusing production is a merging of correlated episodes, blackouts and gags. Even a distant relative of pie-throwing is rung in. Much of what happens comes under the meaning of what is technically defined as "low comedy."

Basically it is a comedy-drama newspaperman gangster yarn from which stem several such stories. One concerns the bizarre adventures of Cub John Hubbard. Another has to do with Joan Bennett. Adolphe Menjou and William Gargan are the riotous life of the next. Gangster Marc Lawrence, who never knows whether or not he is being kidded, is the focal point of the fourth. Psychopathic case George E. Stone moves menacingly through it all.

Not quite knowing what he is doing Novitiate Reporter Hubbard turns in a sensational gangster-killing story which makes him a front page celebrity. The circumstance is embarrassing to Veteran Newsmen Menjou and Gargan, but they make the best of it. It's most bothersome to Gangster Lawrence, the killer, who, not sure whether or not Hubbard knows what he is writing about, nevertheless embarks upon a course of intimidation. Everything turns out happily, if ridiculously, when Menjou transfers his fireworks shooting celebration to the gangster-besieged parlor, where Poisoner Stone has terrorized everyone. The housekeeper's daughter, Miss Bennett, a reformed moll, gives the real low down on the killing.

Donald Henderson Clarke's novel is the basis of the Rian James and Gordon Douglas screenplay.

Running time, 70 minutes. "G."* G. McC.

"The Angels Wash Their Faces"

(Warners)

The "Dead End Kids" are, of course, the "hero" of this melodramatic and lively film yarn of civic corruption and the successful efforts of the kids to correct the error and at the same time save a pal from a long and unjust prison sentence.

The youngsters combine with rare cohesion, offering a high measure of entertainment by reason of their undeniable acting ability and the smoothness with which they work together. Ann Sheridan, as the sister of the youngster in trouble, and Ronald Reagan, as a young aide to the district attorney, provide the subordinate romantic interest.

Bonita Granville makes a pleasant adjunct to the kids, as the young sister of one of them, and Eduardo Ciannelli and Bernard Nedell are eminently satisfactory villains.

At times leaning dangerously near to the incongruous, as when the kids take over City Hall in Boys' Week, at times delightfully amusing, the film is melodramatically exciting, and withal good entertainment.

Young Frankie Thomas is released from reform school, joins the kids in their club, and incurs the enmity of Nedell because of Miss Sheridan's refusal to see him. Under Ciannelli's direction, Nedell engages in the practice of arson for a profit, and tries to pin one of his jobs on Thomas, since it caused the death of one of the kids. But when one of them wins the post of mayor for Boys' Week, the youngsters take things into their own hands,, and with the assistance of Reagan, clean up the gang and cause the release of their pal. Ray Enright directed.

Running time, 82 minutes. "G."* CHARLES S. AARONSON

*"G" denotes general classification.

Resuming Stage Shows

CINCINNATI, Sept. 12.—The RKO Shubert, currently playing straight films, will resume its combination stage show and picture policy Sept. 15, with Jan Garber and his band as the stage headliner. Henry Sommers now is in charge of the house.

Plans Cartoon Series

HOLLYWOOD, Sept. 12.—Lawrence Fox of General Films has purchased the world rights to "Ba Bar, the Elephant," book by Jean de Brunhoss, as the basis for a series of cartoons to be made in the east.

Court Sees "Ecstasy"

ALBANY, Sept. 12.—Five judges of the Appellate Division of the N. Y. Supreme Court yesterday viewed the revised version of "Ecstasy," on appeal by Eureka Productions, Inc., from the censor's original ban on the film. Decision was reserved. The court upheld the ban once before, in September, 1937.

W.E. Sets Dividend

Board of directors of Western Electric Co. yesterday declared a dividend of 75 cents per share on the common stock, payable Sept. 30 to stockholders of record on Sept. 22.

Newsreel Parade

The war continues to be an important newsreel factor, but strict censorship is in evidence.

MOVIETONE NEWS, No. 1—Canada enters war. American troops at Panama. Gas mask practice on coast. Airplane maneuvers. Ickes condemns war profiteering. Beauty contest at Atlantic City. Lew Lehr. All-Star football game. Army, Dartmouth and Notre Dame football teams in training.

NEWS OF THE DAY, No. 303—Preparedness on Maginot and Siegfried lines. Canada joins conflict. U. S. defends neutrality, reenforcements to Panama. Ickes warns war profiteers. Flood in Chinese city. Miss America chosen. Notre Dame prepares for football season.

PARAMOUNT NEWS, No. 4—War conditions in England and France. *Athenia* survivors interviewed. Football Giants defeat All-Stars. Notre Dame, Army and Tennessee elevens practice.

RKO PATHE NEWS, No. 16—Polish Red Cross units in training. War map of Europe. Ships of belligerent nations in neutral ports. Ickes discusses profiteering. Bicycle race in Chicago. All-Star football game.

UNIVERSAL NEWSREEL No. 805—Canada declares war on Germany. Poles defend Warsaw. Tanks aid French army. *Manhattan* arrives from Europe. U. S. to enforce embargo. Panama defenses reenforced. Select Miss America of 1939. Notre Dame and Army football teams in training. A. A. U. race. Army planes in mass flight.

Republic in Deals With Two Circuits

Republic has closed a deal for its 1939-40 product with the Golden State-T. & D. Theatres Circuit, covering 70 theatres in San Francisco, Oakland and northern California.

Republic was represented by J. R. Grainger, president; G. C. Parsons, western district sales manager, and Sid Weisbaum, San Francisco branch manager. A. A. McNeil and M. Naify represented the two circuits in this deal. A deal also has been closed with the Blumenfeld circuit in northern California.

Republic has closed with the Minnesota Theatre in Minneapolis as its first run outlet there for the new season. The theatre, closed for two years, recently reopened under management of Gordon Green with a combination film and vaudeville policy.

Theatre Attendants' Minimum Set in B.C.

VICTORIA, B. C., Sept. 12.—Extensive minimum wage regulations in the Province of British Columbia now embrace women attendants in all theatres.

A new minimum wage order has been made effective, providing a minimum of $14.25 per week for 40 to 48 hours, with 35 cents per hour for less than 40 hours per week. In cases where an employe works two hours or less in any one day, the minimum payment shall be 75 cents. Where uniforms are worn, they must be provided by the employer, and must be laundered by the employer.

Newspaper Guild Fined

CHICAGO, Sept. 12.—The CIO Newspaper Guild, which has been picketing theatres and other business places which advertised in local Hearst papers where members have been on strike, was fined $500 by Judge John Lupe for "secondary picketing."

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Coast Grand Jury to Hear Goetz First

Bioff and Joseph Schenck Also to Be Subpoenaed

LOS ANGELES, Sept. 13.—A new Federal grand jury was impanelled here today, and it immediately announced that it would launch its investigation of alleged film labor racketeering and income tax evasion next Wednesday.

The first witness to be formally subpoenaed is William Goetz, 20th Century-Fox executive.

Charles H. Carr, assistant U. S. Attorney General who was dispatched from Washington to direct the Hollywood investigation, said that subpoenaes also will be issued for William Bioff, "minister without portfolio" for the I.A.T.S.E., and Joseph M. Schenck, president of 20th Century-Fox.

Carr said that plans for a special grand jury had been abandoned. The grand jury sworn in today consists of 23 men, most of whom are engaged in the insurance business.

Salary Cut Fights Promised Studios

Organized studio employes will resist any attempt to reduce salaries because of war conditions, the New York I.T.O.A. has been advised by the Screen Writers, Actors and Directors Guilds.

The guilds declare that they would be willing to discuss "a fair adjustment" if the salaries and bonuses of producers and executives were also taken into consideration. Should the industry's revenue and living costs increase, the guilds state they would expect to discuss salary increases.

The guilds' statement was in answer to a telegram sent to them by Harry Brandt, president of the I.T.O.A., inquiring what their attitude is in helping to meet the war emergency.

"Any such adjustment—downward or upward—necessarily would have to be based on full examination by the guilds of all financial data and other information available to the producing and distributing companies," says the guilds' joint answer.

"We believe that your assumption that a European war will decrease American film revenue by 35 per cent is totally inconsistent with past experience. On the contrary, we believe

(*Continued on page 4*)

One Big Union Plan Goes to Members Of 4A in 2 Weeks

A one big union plan will be definitely presented to the membership of Associated Actors and Artistes of America within two weeks, according to Henry Jaffe, 4-A associate counsel. Jaffe made the announcement at a mass meeting of the new American Guild of Variety Artists which ended early yesterday morning.

Jaffe explained that although the plan was not completely formulated, every branch of the 4-A had been convinced of the necessity of such move and that officials had pledged themselves to work out the details within the next fortnight.

In the recent jurisdictional fight with the I.A.T.S.E., all branches agreed to pool their treasuries and permit the 4-A international board to direct their activities. As a result, Jaffe said, all members realized that differences over the "one big union" principle, which have been argued for more than two years, should be forgotten and the details settled.

According to present indications, the plan will provide for one initiation fee and one set of dues payments. Any actor who becomes a member because of employment in any field in the profession will automatically be entitled to work in all fields without further payments. There will be only one treasury.

Indications also point to the preservation of branch autonomy for the purposes of administering working conditions and salary scales. In this way, actors working in particular fields will be able to decide their own immediate problems while major issues will be governed by the 4-A.

AFL Rallies to Aid IA in Sept. 20 Ballot

HOLLYWOOD, Sept. 13.—All American Federation of Labor locals, including the Screen Actors Guild and excluding Studio Painters No. 946, banded together today to aid the I.A.T.S.E. in the N.L.R.B.-sponsored election to determine whether the Alliance or United Studio Technicians Guild or neither should be bargaining agency for workers.

A.F. of L. groups will be asked to bring pressure and otherwise conduct campaigns for Alliance support in the balloting scheduled Sept. 20 at Gilmore Stadium.

About 250 representatives, including business agents and officers of A.F. of L. groups, met last night to discuss plans for the drive to keep the

(*Continued on page 4*)

WAR BARS FACING ANGLO-U.S. TRADE

Gross of $80,000 For 'Rains Came'

With more than 150,000 paid admissions in five days, "The Rains Came" was headed for a gross of $80,000 in its first week at the Roxy.

"Golden Boy" drew an estimated $95,000 at the Music Hall and holds over for a second week. "Blackmail" opens at the Capitol today, after one week for "Lady of the Tropics" which grossed an estimated $25,000.

Broadcasters Code Goes in Effect Oct. 1

CHICAGO, Sept. 13.—The National Association of Broadcasters' recently-adopted code goes into effect Oct. 1, N.A.B. directors announced today. At the same time the board directed Neville Miller to appoint a committee to interpret and enforce the code throughout the industry.

"The code is more than an expression of radio policy," Miller declared. "It is an outstanding example of voluntary industrial self-regulation, conceived and executed in the public interest."

Adopted at the Atlantic City convention, the code requires that radio stations shall provide free time for discussion of controversial public issues in such a way that conflicting viewpoints in public matters will have a fair and equal opportunity to be heard. Time for such events, except political broadcasts, will not be sold.

The code also requires that news broadcasts be factual and without bias or editorial opinion. It also provides that children's programs be based on "sound social concepts" and that radio stations continue further development of radio as an educational adjunct.

"Attacks upon another's race or religion" are also barred by the code.

The board ruled that commercial contracts now existing shall be respected for their duration if they are not longer than one year.

Charter Pioneer Club

ALBANY, Sept. 13.—Incorporation papers of membership have been filed here on behalf of Picture Pioneers, Inc., New York group of film industry pioneers.

Serious Handicaps Seen For Films if England Votes New Laws

LONDON, Sept. 13.—Producer-distributor circles here regard with considerable concern the prospect of anticipated new commercial legislation, which would affect vitally the Anglo-American film trade.

It is believed the Board of Trade is considering measures along three distinctive lines: Suspension or limitation of remittances abroad, limitation of imports of foreign films, and the suspension of the quota clauses of the Films Act.

The primary objective of such legislation is seen as retaining the maximum of money in this country, but it would seriously affect Anglo-American trade relations. Such proposals would certainly meet with considerable opposition in British and foreign trade circles, and probably in Whitehall itself.

If such legislation is proposed, United States interests would protest that remittances to America are being used as an investment towards increasing the quality and commercial value of American films shown here. It would also be cited that the remittances are balanced by a considerable investment in the British industry and in British production.

It would likewise restrict and reduce the further importation of quality films for the British market. The

(*Continued on page 3*)

Canadian Theatres Suffer War Taxes

TORONTO, Sept. 13.—The war budget of the Canadian Government has hit all theatres, with an eight per cent tax on all electricity bills and an increase in the tax on all companies, whether incorporated or not, to 18 per cent on total returns.

In addition, a sliding tax of from 10 to 60 per cent on profits above five per cent is applied to companies whose fiscal year ends March 31 or later, otherwise effective on immediate returns.

There has been no addition to the present tax on surplus funds sent out of Canada by film exchanges. Personal income taxes have been increased for the current year by 20 per cent.

The tax on electricity is entirely new and probably will result in marked economies in theatre marquee and sign illumination.

Trust Rules Revised for War Crisis

ATLANTIC CITY, Sept. 13.—Assistant Attorney General Thurman W. Arnold made no specific reference to the film industry in the course of a speech today before the anual convention here of the National Petroleum Association.

However, the official's references to "bottle necks which restrain trade through artificial price levels" and an announcement of continuance of the anti-trust campaign were seen as indicative of a determination to continue the fight against the film industry.

Anti-trust policies of the Department of Justice are being revamped to meet new conditions resulting from the European war, but there will be no letup in the campaign against monopoly, Arnold declared.

Already flooded by protests against profiteering in food and other industries, Arnold said, the anti-trust division is preparing to ask Congress for a great increase in its appropriation. Much of this money will be used to employ investigators, needed because of the diversion of Federal Bureau of Investigation agents to espionage cases.

Oscar Brachman Dies

MILWAUKEE, Sept. 13. — Oscar Brachman, 52, widely known real estate man who was interested in the construction and operation of a number of Midwaukee's neighborhood houses, is dead here following a long illness.



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Purely Personal

COL H. A. COLE, president of national Allied, left for his home in Dallas yesterday after a brief visit.

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HOWARD DIETZ, JOHN HICKS, GEORGE WELTNER, MARTIN QUIGLEY, SAM SHAIN, WILLIAM RODGERS, E. K. O'SHEA, SYDNEY PHILLIPS, CHARLES E. MCCARTHY, DAVID A. LEVY, LEO JUSTIN and MAX A. COHEN at Nick's Hunting Room in the Astor for lunch yesterday.

•

MRS. JAMES V. SILEO, wife and associate of the theatrical photographer, returns to New York today on the *President Monroe*. She had been in Spain for a month on a combined vacation trip and photographic assignment.

•

FRED JACK, Warners southern district manager, and DOAK ROBERTS, Dallas branch head, left last night for Dallas after attending sales meetings with GRADWELL L. SEARS, CARL LESERMAN and BEN KALMENSON.

•

BEN HERSH, vice-president of General Film Co., left yesterday for Hollywood to join LAWRENCE FOX, JR., president, on preparations for the planned new cartoon series on Babar, the Elephant.

•

L. O. LEE, of the Leola in Minneapolis, and WILLIAM S. WILDER, SIDNEY L. BOWDEN and ARTHUR R. HARRISON of the Wilder Theatres, Norfolk, Virginia, are here for the World's Fair.

•

WILLIAM ROWLAND, Spanish language producer, is in town after completing his third film for RKO. It is "Odio" ("Hate"), made in Mexico City.

•

FRANCIS CURLEY, brother of JULES CURLEY, Warner Albany advertising manager, is in from St. Louis for a fortnight visit with his brother.

•

RAY POWERS, office manager and booking agent for Warners in Albany, and MRS. POWERS have returned from their vacation.

•

BORIS MORROS arrives from the Coast today with a print of "The Flying Deuces," his first picture for RKO.

•

BERNIE KRANZE, RKO Albany branch manager, has returned from a visit to the New York World's Fair.

•

JUNE CLYDE, film player is on the *Washington*, due next week from England.

•

PAT CASEY, producers' labor representative plans to leave New York for the Coast early next week.

•

JOSE CALERO PAZ, distributor in Lima, Peru, is here on business.

•

IAN C. JAVAL, Baird television executive, has returned to England.

JAMES MULVEY, eastern representative for SAMUEL GOLDWYN, left for the Coast by plane last night to be gone about a week.

•

GENE BUCK, Ascap president; E. C. MILLS, general manager, and JOHN G. PAINE, chairman of the administrative committee, leave New York for Lincoln, Neb., tomorrow to attend the trial there of the music society's attack on the Nebraska anti-Ascap law.

•

MONROE GREENTHAL, JOSEPH MOSKOWITZ, JOSEPH PINCUS, JACK GOETZ, BUDDY MORRIS, AL DUBIN, CHARLES WARREN, WILLIAM FITELSON and CHARLES CASANAVE lunching at BOB GOLDSTEIN'S Tavern yesterday.

•

STANTON GRIFFIS, chairman of the Paramount executive committee, and his bride, the former WHITNEY BOURNE, are passengers on the *Washington*, which is scheduled to arrive from Europe Saturday.

•

ARLISS, daughter of R. R. WINSHIP, theatre owner of Phillipsburg, Kansas, and DONALD, son of J. P. PHILLIPS, Colby, Kans., theatre owner, were married last week at Denver, Colo.

•

MATTHEW J. FOX, Universal vice-president, leaves for the Coast by train tomorrow after a four-week stay in the home office.

•

ROUBEN MAMOULIAN will arrive from the Coast this morning for a brief visit in New York.

•

ALFRED HARDING, editor of *Equity*, official organ of Actors Equity, starts on vacation tomorrow.

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Newsreels' Cameramen In Wage Talk

Negotiations with Cameramen's Local 644, New York, on a new contract with the five newsreel organizations will be started tomorrow with Pat Casey, producers' labor representative, newsreel heads and officers of the local participating.

The former agreement expired a year ago but its terms have been continued in effect pending negotiation of the new contract, the terms of which are to be retroactive to last October. The new contract sought by the cameramen is for a two-year period.

Higher Wage Scale Asked

The union is asking an increase in the present schedule of $35 per day and $100 per week minimum to $50 daily and $125 weekly minimum. It also asks for a maximum schedule of 30 hours for each two-week period in place of the former maximum of 320 hours for an eight-week period. When the maximum number of hours has been worked the cameramen cannot be reassigned until the end of the basic period, as overtime assignments are prohibited.

Other proposed changes in the pact are of minor nature, according to newsreel officials, although new provisions for calculation of time consumed in traveling to out-of-town assignments as actual working time may prove costly in some instances, it was said.

Towns Fight Over 'Drums' Premiere

Officials and public-spirited citizens of several upstate New York cities and towns have written to 20th Century-Fox asking for the world premiere of "Drums Along the Mohawk."

One of the towns even presented a petition carrying several hundred names asking for the premiere. The locale of the picture is in the Mohawk Valley.

Among towns which have communicated with the company are Little Falls, Gloversville, Herkimer and Amsterdam.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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'Beau Geste' Los Angeles' Best, $23,500

Los Angeles, Sept. 13.—"Beau Geste" drew a strong $23,500 at the Paramount to lead here, although business generally was hurt when unseasonably warm weather over the weekend sent many thousands to beaches and other resorts. "Four Feathers" continued strong, with $4,700 in the fourth week at the 4 Star.

Estimated takings for the week ending Sept. 13:

"Lady of the Tropics" (M-G-M)
"6,000 Enemies" (M-G-M)
CHINESE—(2,500) (30c-$1.00) 7 days. Gross: $9,300. (Average, $12,500)
"Four Feathers" (U. A.)
4 STAR—(900) (40c-50c) 7 days, 4th week. Gross: $4,700. (Average, $3,250)
"Golden Boy" (Col.)
"Five Little Peppers and How They Grew" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $7,000. (Average, $6,500)
"Lady of the Tropics" (M-G-M)
"6,000 Enemies" (M-G-M)
LOEW'S STATE—(2,500) (30c-$1.00) 7 days. Gross: $10,900. (Average, $14,000)
"Golden Boy" (Col.)
"Five Little Peppers and How They Grew" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $7,000. (Average, $7,000)
"Beau Geste" (Para.)
"Hero for a Day" (Univ.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Gross: $23,500. (Average, $18,000)
"The Old Maid" (W. B.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days. Gross: $13,100. (Average, $14,000)
"The Old Maid" (W. B.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days. Gross: $12,800. (Average, $12,000)

Wood Named Schine Trust Suit Counsel

Frederick Wood of the Cravath, de Gersdorff, Swaine & Wood law firm, has been retained by the Schine Circuit as special attorney in its defense of the Government anti-trust suit pending against the circuit and major distributors in Federal court at Buffalo.

Wood will be assisted by Willard S. McKay, counsel for the Schine Circuit for many years, who was formerly counsel for Uuniversal. Wood has had many years experience in anti-trust cases and corporation law. He was one of the principal attorneys in the famous Schechter poultry case which brought about the demise of N. R. A.

Wood and the Cravath firm have been prominent in the film industry in past years, having been counsel for Paramount for many years, and served as counsel for Warners in the St. Louis anti-trust suit of three years ago.

'Tropics' at $9,800 Leads Indianapolis

Indianapolis, Sept. 13.—"Lady of the Tropics" was out in front in a profitable week for all first runs, giving Loew's $9,800. "Three Glamour Girls" was dualed with it.

Estimated takings for the week ending Sept. 8:

"Our Leading Citizen" (Para.)
"Hell's Kitchen" (W. B.)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $4,000. (Average, $2,500)
"The Star Maker" (Para.)
"This Man Is News" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $8,700. (Average, $6,000)
"Lady of the Tropics" (M-G-M)
"These Glamour Girls" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $9,800. (Average, $7,000)

Feature Reviews

"The Real Glory"

(Goldwyn-United Artists)

Hollywood, Sept. 13.—Filmed in all the Goldwyn thoroughness, "The Real Glory" is a thrilling and manifestly authentic account of what went on in the Philippines in 1906 when the U. S. Army turned over to the Native Constabulary the job of policing the country and defending their new independence from the marauding Morros.

The story, by Jo Swerling and Robert R. Presnell from Charles L. Clifford's novel, is told in terms of the half-dozen officers left in charge of one island community. It is a story of treachery, heroism, discipline, risk, disaster, disease, war and, just slightly, of love, an impressively veracious and extremely stirring item of entertainment.

Gary Cooper, David Niven, Reginald Owen and Broderick Crawford are excellent as the American officers, Vladimir Sokoloff and Tetsu Komai turning in strong performances as the villainous Morro leaders. Andrea Leeds and Kay Johnson play the two feminine roles, both slight, effectively. Henry Hathaway's direction is of superior variety, giving tremendous realism to incidents of unfamiliar cut which culminate in a spectacularly melodramatic climax. Robert Riskin is down as associate producer.

The picture is brimful of exploitation possibilities. For the premiere, for instance, a company of soldiers from a nearby fort was marched to the theatre, the reason being duly recorded. What with war in the headlines and on the radio, and this a war picture in the complete sense of the term, "The Real Glory" looks like a natural for turn-away business.

Running time, 95 minutes. "G."* Roscoe Williams

"G" denotes general classification.

"The End of a Day"

(Juno Films)

In this, one of the better imports from France, the dreams, unfulfilled hopes and ambitions of aged actors are given shadow substance and intertwined to make a sort of "Grand Hotel" story.

The setting is a home of retired actors, and the plot development deals with their reactions as they are thrown together by circumstances in a polyglot assortment. There are bits of plots, priceless characterizations and caricatures of persons who are typical.

Entertaining throughout, the picture is sentimental, lusty and salty, and the dialogue racy. It is adult entertainment, most suitable for art cinemas.

The cast is perfect. Fine characterizations are given by Michel Simon as the constant imp, whose heart is broken because no one appreciates his talents; Louis Jouvet as the broken down ham who suffers delusions of being a Don Juan, and Victor Francen, the embittered and frustrated artist.

There are exaggerations and oversentimentality in the screenplay by Julien Duvivier and Charles Spaak, but on the whole it is a work of art. And despite its deficiencies, the production carries the flavor that only Gallic understanding could give it. Julien Duvivier directed for Regina Film.

Running time, 94 minutes. "A."* Alfred Finestone

"A" denotes adult classification.

Roosevelt Resigns Studio Survey Job

Hollywood, Sept. 13.—Pleading preoccupation with affairs of Samuel Goldwyn Co. which he serves as vice-president, James Roosevelt has dispatched a letter to Joseph M. Schenck, M.P.P.A. president, notifying him of his withdrawal from the task of surveying studio problems which he undertook Aug. 24.

Paul Sullivan Returning

Paul Sullivan, the CBS announcer and commentator, who arrived in London the day war was declared, is returning by ship to New York, to broadcast eye-witness accounts of what he saw. However, CBS has no information concerning the vessel on which he sailed, or the date of its arrival in this country.

Democratic Dinner Delayed to Sept. 25

Hollywood, Sept. 13.—Another postponement of the Motion Picture Democratic committee's banquet, scheduled Sept. 18, was announced today. Due to a pressure of duties at Washington, U. S. Attorney General Frank Murhpy will not be able to attend until Sept. 25. At that time he will present a scroll at the dinner to the producer whose picture has been adjudged the most valuable contribution to the "ideals of democracy."

Netco Circuit Reopens Park

The Park, Newburgh, N. Y., has been reopened by Netco circuit and the Juliet, Arlington, N. Y., will reopen next week. Both houses were closed for the Summer season.

British Film Laws Forcing War Revision

(*Continued from page* 1)

trade's contention generally would be that suspension of the Quota Act or drastic amendment would interfere with the production of propaganda films, already favored by the Ministry of Information, as was indicated by Hoare's statement to the House of Commons today.

A minor aggravation of the film trade's situation arose today in the rationing of gasoline. The move has compelled revision of the transportation machinery on release prints.

Plan Propaganda Films

London, Sept. 13.—Sir Samuel Hoare today told the House of Commons that the Government is giving close attention to the use of British studios for the purpose of producing propaganda films, and steps already have been taken to safeguard the position of the studios.

The Home Office decision regarding the general reopening of theatres throughout the country is expected to be announced before the end of the week. No statement was issued today, following conversations yesterday between representatives of the distributing and exhibition branches of the industry, and Home Office officials.

Paris Theatres Reopening

Paris, Sept. 13.—Film houses in Paris are expected to be permitted to reopen shortly in the early evening, it was indicated following conferences of the Information Commissioner with the police and military government of the city.

A certain number of houses are expected to remain open until 10 P. M. beginning tomorrow. Later other theatres will be authorized to open as safety measures are completed.

Vaudeville to Start In Brandt's Circuit

Four-week vaudeville circuit in Brandt neighborhood houses gets under way Friday when stage shows will be resumed at the Flatbush, Brooklyn. Sammy Kaye's band will top the show at the Flatbush and will move to the Audubon, Bronx, the following week. Jimmy Dorsey's band will open at the Windsor, Bronx, Sept. 21, and move to the Carlton, Jamaica, Sept. 28. Other headliners signed by the Brandt circuit include the Andrews Sisters, Cass Daley, Milt Britton, and Larry Clinton's and Cab Calloway's bands.

Lagnas Names Segal

George Lagnas, president of Standard Pictures Distributing Corp., has appointed Harry G. Segal of Boston as general sales manager. Lagnas made the appointment before leaving for the Coast.

Warner Bookings Jump

An increase of 27 per cent in feature bookings for August is reported by Warners on the basis of early tabulations of the recently completed bookers' drive.

Beware War Propaganda Films—ITOA

A warning to exhibitors to keep foreign war propaganda off the screens is sounded by the I.T.O.A.

"The screen is a great and lush spot for propaganda," says an organization statement. "It will not be long before theatre owners will be asked to show pictures which will purport to be nothing but entertainment but at the same time will propagate information highlighting points which the interested parties wish the American public to know.

"The screen is no place for such stuff. Keep your screens free of anything that smacks of foreign propaganda. Play entertainment and entertainment only. You will have to watch carefully, for the best propaganda is most subtle."

Salary Cut Fights Promised Studios

(*Continued from page* 1)

there is excellent prospect of increased box-office receipts and other revenues. Actual evidence will show which is to be the revenue trend."

In its wire to the guilds, the I.T.O.A. cautioned against lowering of production quality or quantity and said that standards must be maintained even at the sacrifice of personal incomes and "Hollywood routine."

The organization called for greater showmanship by exhibitors to maintain revenue levels and suggested joint conferences by producers, together with studio crafts, "to beat the war emergency."

U. A. Seeking Delay In Trust Case Date

United Artists yesterday filed with Federal Judge Knox an affidavit requesting that decision on the application by the Government for a preferred date in its anti-trust suit against the major companies be deferred until the date for answering the 68 Government interrogatories is decided.

The affidavit of U. A. referred to another filed on Tuesday by John Caskey on behalf of the other major defendants and stated that for the same reason set forth in Caskey's affidavit the date of preference should be postponed.

AFL Rallies to Aid IA in Sept. 20 Ballot

(*Continued from page* 1)

U.S.T.G., admittedly CIO-financed, from winning the election.

A letter from the S.A.G., pledging support to the A.F. of L., was cheered.

Joseph M. Schenck, president of Motion Picture Producers Association, announced today that he will appoint a committee to discuss demands for a new bargaining contract of I.A.T.S.E. as requested by William Bioff, I.A.T.S.E. agent. Conferences between producers and I.A. leaders are expected over the weekend.

BANNER RADIO LINES

By JACK BANNER

SEEKING THE COLLECTIVE OPINION of New York's radio scribes about television, NBC-RCA summoned them to the Waldorf-Astoria yesterday afternoon to an informal luncheon. The consensus was that television, in its fourth month of regular operations, showed a vast improvement over what was transmitted at the beginning of the schedule. Continued improvement—perhaps at not such an accelerated pace as at the start—is anticipated.

However, the radio editors handed out more than cream puffs and offered numerous criticisms and suggestions for improvement. Television production, it was their opinion, was far inferior to the technical standards achieved by the engineers; camera technique could stand improvement, as could lighting and direction, and performance. A majority of the editors agreed that programs would show improvement if the companies would depend less upon the services of producers and directors from the stage, and in their stead import Hollywood producing and directing talent.

The radio editors were in accord that the stage plays now being televised on a twice weekly schedule were merited efforts, but most of them stated that their chief pleasure was derived from witnessing feature motion pictures, liked for their smoothness and technical perfection.

Television as a threat to the motion picture industry was an exaggeration, it was indicated. Frank Mullin, RCA vice-president, said that television would no more ruin the motion picture industry than did motion pictures kill the stage, or the inclusion of news on the air ruin the newspapers.

FIRST EFFECT OF THE WAR on commercial programs is the two weeks' notice just given to Benay Venuta by her WOR sponsor, because the rising price of sugar caused the company to retrench. She had just received a 13-week renewal, but it had a two-week cancellation clause.

YOUNG & RUBICAM is giving a special luncheon for Jack Benny this afternoon at Sardi's. Benny and Mary Livingstone arrived here quietly the other afternoon to spend some weeks in New York before resuming broadcasting.

DICK MOONEY of the Earle Ferris office left New York yesterday on an exploitation and publicity tour of the New England states on Edward G. Robinson's "Big Town" program.

GABRIEL HEATTER is to start a local commercial series Monday at 7:30 A.M. on WEAF for Peter Paul Co. The show will be on the air Mondays through Saturdays, offering commentaries on news.

Monogram in Deal On Anti-War Picture

Monogram yesterday closed for world rights to "The Fight for Peace," anti-war film produced by Warwick Pictures. The picture will be released immediately.

Produced last year, the film is a preachment against dictators and a plea for peace, dramatized by shots of recent undeclared wars and invasions. It has been revised slightly and will be released in seven reels.

Drive-In Verdict Due

MILFORD, Conn., Sept. 13.—Indicating there was a strong possibility he would decide the 800-car Milford Drive-In Theatre was a public nuisance, as claimed by 12 Milford residents in a suit, Judge P. B. O'Sullivan of the Superior Court has asked attorneys for both sides to draw up a broad injunctive order that would abate the nuisance yet not deprive the corporation of the right to operate a theatre.

Gets Republic Films

Luis Lezama of Mexico City has been appointed exclusive Republic distributor in Mexico by Morris Goodman, Republic vice-president in charge of foreign distribution. The former distributor was Dada-Dada & Co. Lezama formerly was RKO manager in Mexico, resigning a year ago to produce in Mexico City. He will continue independent production.

Metro Plea Fights Plagiarism Action

An application was filed yesterday in U. S. District Court by M-G-M Pictures Corp., M-G-M Distributing Corp., Loew's Inc. and the Culver Export Corp. requesting dismissal of a $1,000,000 plagiarism suit brought by Delores Lacey Collins as administratrix of the estate of Jimmy Collins.

The suit charges the defendants with plagiarizing Collins' book, "Test Pilot," in the motion picture of the same title. The application will be heard on September 19.

Reissue 'Western Front'

Trial run of "All Quiet on the Western Front" at the St. Louis Theatre, St. Louis, without benefit of even a normal opening campaign, resulted in the decision of Universal officials to reissue the picture, the company said yesterday. Rush orders for prints of the new "Uncensored Version," as the reissue will be billed, and for new press book, accessories and trailer have been made.

Joins Brother's Firm

Ann Rosenthal, formerly legal counsel for Grand National in New York, is now associated with her brother, Aaron S. Rosenthal, film tax consultant, at 721 Union Bank Building, Los Angeles. Miss Rosenthal will continue her legal practice for film clients.

'Women' Hits Good $21,000 In Pittsburgh

PITTSBURGH, Sept. 13. — "The Women"s was good for $21,000 at Loew's Penn. "Golden Boy" at the Harris Alvin pulled a good $11,500, and the Stanley drew $10,500 with "In Name Only."

Estimated takings for the week ending Sept. 7:

"Golden Boy" (Col.)
ALVIN—(1,900) (25c-35c-50c) 7 days. Gross: $11,500. (Average, $7,000)
"I Stole a Million" (Univ.)
FULTON—(1,700) (25c-40c) 7 days. Gross: $4,900. (Average, $5,000)
"The Women" (M-G-M)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days. Gross: $21,000. (Average, $13,000)
"Coast Guard" (Col.)
"Woman Judge" (Col.)
SENATOR — (2,000) (25c-40c) 7 days. Gross: $2,600. (Average, $3,500)
"In Name Only" (RKO)
STANLEY—(3,600) (25c-35c-50c) 7 days. Gross: $10,500. (Average, with stage show, $17,000)
"Lady of the Tropics" (M-G-M)
WARNER—(2,600) (25c-35c-50c) 7 days. 2nd week. Gross: $5,000. (Average, $5,000)

"Hotel" Draws Big $21,000 in Buffalo

BUFFALO, Sept. 13.—"Hotel for Women" with Eddie Duchin's orchestra on the stage, drew a smash $21,000 at the Buffalo. "Golden Boy" and "Parents on Trial" accounted for a fine $11,300 at the Lafayette.

Estimated takings for the week ending Sept. 9:

"Hotel for Women" (20th-Fox)
BUFFALO—(3,000) (30c-55c) 7 days. Gross: $21,000. (Average, $12,000
"Beau Geste" (Para.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $10,200. (Average, $7,500)
"Our Leading Citizen" (Para.)
"Four Feathers" (U. A.)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $4,200. (Average, $6,800)
"Colorado Sunset" (Rep.)
"Should Husbands Work?" (Rep.)
TWENTIETH CENTURY—(3,000) (15c-20c-25c) 7 days. Gross: $2,900. (Average, $5,200)
"Golden Boy" (Col.)
"Parents on Trial" (Col.)
LAFAYETTE—(3,300) (25c) 7 days. Gross: $11,300. (Average, $6,300)

Congress to Debate On War Profiteering

WASHINGTON, Sept. 13.—Although President Roosevelt, in issuing a call today for a special session of Congress beginning Sept. 20, did not specify the nature of the business it will consider, it is believed probable that an attempt will be made to impose some control over industries to prevent war profiteering. Congress is also expected to take action on the neutrality law and American defense measures.

Orders Bingo Case Quiz

MILWAUKEE, Sept. 13. — Circuit Judge Gustave G. Gehrz has refused to suppress an adverse examination of Mr. and Mrs. Edward Zrinsek, operators of the Bahn Frei hall tavern but has limited questioning to the names of persons or groups that have held bingo games and the rental fee. The action is a step in the suit for an injunction by Charles W. Trampe, head of Flm Service, Inc., to restrain the Bahn Frei hall and tavern from conducting bingo.

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 53 NEW YORK, FRIDAY, SEPTEMBER 15, 1939 TEN CENTS

Independents Face Lower Ascap Rates

Stations Will Negotiate Their Own Contracts

Ascap has discussed the possibility of negotiating separate contracts with independent broadcasters which would embrace a new formula calculated to reduce the rates now being paid the music licensing society by small, unaffiliated stations, it was learned authoritatively yesterday.

Paul Siegel, Washington, D. C., attorney, who has been retained by a number of unaffiliated stations in various parts of the country, conferred recently with John G. Paine of Ascap on the subject and will continue the discussion in the near future. Siegel is understood to have informed Ascap officials that the stations represented by him are unwilling to have the National Association of Broadcasters act for them in the negotiation of a new Ascap contract and will insist upon conducting their own negotiations through their own representatives.

In addition to the stations represented by Siegel, numerous other unaffiliated units have advised Ascap by letter that they, too, wish to negotiate their own contracts, apart from any negotiations which may be held with N. A. B.

That the unaffiliated stations may obtain lower rates under any new contracts which may be negotiated with them, was indicated by an Ascap official who pointed out that the society recognizes that under its present formula the independent stations originate

(*Continued on page 6*)

Newsreels Without War Action Shots

Week-end issues of all five newsreels appeared yesterday without any material on the European war. No action shots of any of the belligerents have been received by the reels from their European representatives since the start of hostilities.

Headquarters of the reels are completely in the dark about what, if any, action material has been obtained by their cameramen and what their chances are of receiving any part of it. Not even "official" or censored action material has been received. Occasional cables have been received from representatives advising of shipments en route but the scheduled time of arrival, means of shipping and

(*Continued on page 4*)

"The American Theatre Owner Has a Right to Expect . . ."

By MARTIN QUIGLEY

THE war in Europe has highlighted a state of emergency in the affairs of the American motion picture industry.

The emergency is a challenge to the management of the industry, demanding that it face the realities of the situation and take, promptly and thoroughly, those steps which are imperatively necessary for the welfare of the industry and those who live by it.

Happily for this, an American industry, the situation is not desperate. It is not even alarming, provided only that those measures which judgment and foresight dictate are introduced and applied.

The immediate effect of the war in Europe is to illuminate a condition which has been asserting itself for some time. This condition comprises the lessening of revenues accruing to the American industry from overseas distribution. The condition comes not as a new development incident to the war. It has been an obvious fact for a considerable period of time; obvious also has been the indication that a continuance of this downward trend is inevitable, due to influences at work in the various foreign markets.

The trend steadily has been toward rendering less profitable to the American producer his activities abroad. This is being brought about through various devices, including quotas, restriction against the exportation of money, multiplication of duties, fees and licenses and, the nationalistic aspirations of the various governments.

It cannot of course be said that foreign demand for American films threatens to vanish. The essential merit of Hollywood product as entertainment and its deep-rooted popularity with the various foreign publics are such that a continuing demand is assured. But it must be said that its opportunities have diminished in extent and in profit.

AGAINST the darkening cloud of this threatening condition the industry management has just whistled—and hoped that somehow the trend would reverse itself. In the meantime the industry has whirled along its perilous course, facing increasing costs on one side and diminishing returns on the other.

The incidence of the European war increased materially the acuteness of the situation. It did not create it. Even in the absence of a war in Europe the security and welfare of the industry required things to be done which have not been done.

Now there is indeed no choice left.

Either the industry must proceed promptly and thoroughly toward putting its affairs on a sound business basis or disaster inevitably will overwhelm it.

This business as an American industry, blessed as it is with a domestic market of such great possibilities, is at this critical juncture in world affairs in a most fortunate position. Immediately available and almost equally assured are certain foreign markets, Canada, Latin-America, Scandinavian and other lesser territories. There are here opportunities for a continuing great and even more prosperous industry.

BUT—most emphatically—the industry will not be able to continue as either great or prosperous if it continues foolishly to assume that it is to enjoy revenues which will not be realized and on the basis of this assumption allows its cost of doing business to remain unadjusted to realities.

It is probably true that European revenues may after a few weeks be restored in part. They may even at times assume dizzy peaks of a war-made and consequently an artificial prosperity. But it would be the

[*Concluded on next page*]

All Theatres Over Britain Open Today

Distributors Move Back Into London Quarters

By AUBREY FLANAGAN

LONDON, Sept. 14.—All theatres throughout Britain will reopen tomorrow under the provisions of an official order issued today.

Houses in the West End of London will be permitted to remain open until 6 P. M. Elsewhere throughout the city and the rest of Britain theatres will not be required to close until 10 P. M.

Move Back Into London

Reopenings have been in progress in smaller cities and rural areas for the past week, but London theatres and those in other populous areas have been dark since Sept. 2.

A second major development of the day in the British film trade was the decision by many of the larger distribution organizations to move their headquarters back to London from the outlying areas where they were established 10 days ago. The development substantiates MOTION PICTURE DAILY'S exclusive prediction of a few days ago.

See 24-Hour Film Service

The distribution organizations go back into their regular London locations and there is very good prospect of 24-hour film service being re-established as a result.

Liberal gasoline allowances for commercial purposes were authorized today, thus relieving to a great extent the concern felt in the trade earlier over the possibility of film shipments being adversely affected by emergency rationing. The allowances authorized, together with the probability that shipping facilities will be pooled by distributors, thus reducing the number of mobile units in operation, is expected to solve the problem.

European Strategy

Information which has filtered into New York indicates that British and French film interests walked out on an understanding with American film companies to avoid participation in the Venice film festival, held last month.

Six French pictures were shown and four British subjects went before the jury.

"The American Theatre Owner Has Right to Expect..."

[*Continued from page 1*]

height of bad business procedure for the industry to allow its costs to remain unadjusted against the fantastic speculation that its economic problems would be miraculously solved by a war-impoverished Europe.

There is but little point at this time in discussing how and why motion picture production costs reached, and were allowed to reach, present levels. It is enough that everyone knows that the cost of making motion pictures in Hollywood has reached a height that is without the sanction of reason, necessity or good business. However, it has been possible—but just barely possible—previously to support the prevailing costs. Every informed person now knows that it is no longer possible to do so.

Those in Hollywood who have contributed to the development of the American motion picture to its present artistic and entertainment standard have performed an accomplishment that has rightly won for them the laurel wreath of world acclaim. They have, as the whole world knows, been well-paid for what they have done. They have, it would seem, been dealt with royally.

But now in face of world conditions affecting the motion picture and in face also of new economic concepts applying not only to industries but to individuals as well, the time, which is indeed at long last, has arrived for production costs to be adjusted to levels which the traffic can bear.

WITH no violence whatsoever either to the individuals concerned or the quality of the pictures, production costs may be substantially reduced. No informed person denies that senseless competition in the midst of what may be briefly mentioned as the Hollywood merry-go-round alone accounts for compensation figures that transcend all reason and have never been approximated any time or place in the memory of man. Well over fifty percent of the cost of an average motion picture represents salaries and wages. Wage levels, that is, the compensation of craftsmen, artisans, clerks and laborers, cannot be lowered on account of union agreements. They should not be lowered even if there were no agreements. There have been no great extravagances there. But elsewhere in the cost of personnel together with the many incidental extravagances—amongst which may be included an army of figureheads, fixers and fakers—lies ample room for the needed readjustments.

The American theatre owner is decidedly a party at interest. He has a right to expect the necessary volume of product to supply his requirements. He has a right to expect that, irrespective of what conditions may obtain in foreign markets, he receive pictures of a character and quality which will afford satisfaction to his patrons. There can be no assurance of either the necessary quantity or quality of film unless production is placed on a basis which reasonably justifies with the ordinary principles of sound economics.

Beneficiaries of the increasingly high cost system of production would like to have it understood that any lessening of production costs necessarily means a lowering of quality. This argument is wholly false.

It is true that the production of a motion picture is a costly process. But costs are relative. No one sensibly expects an important motion picture to be produced for little money. But no explanation has ever yet been made of the present levels of production costs except that they just grew out of the fertile soil of the Hollywood system.

Another pertinent concern of the theatre owner in the present condition is that he shall not be depended upon to supply additional revenues to offset diminished returns from foreign markets.

Unless production costs are adjusted to meet existing conditions the theatre owner inevitably faces, (1) a product shortage; (2) a lower quality in the production delivered or, (3) higher rentals. It is therefore clear that exhibitor opinion inevitably stands solidly behind the demand for adjusted production costs.

Out of the American market and such foreign markets as continue assured to the American producer a great and prosperous industry in all branches may be maintained.

If this is to be done it must be done by acting on the realities of today—not the conditions of yesterday or the visions of tomorrow.

Personnel Slashed At Fox Home Office

Dismissal notices, some for temporary periods and some permanent, will be issued to an estimated 125 home office employes of 20th Century-Fox today.

Action is being taken to effect economies imposed by the loss of foreign revenue due to the European war, a company spokesman said. The move is in line with that imposed upon the company's studio last week.

Virtually all home office departments will be affected by the action, it was said, with department heads having been ordered to eliminate all employes whose services were not indispensable in order to avert general salary cuts within the company.

Para. Dismissals Too

HOLLYWOOD, Sept. 14.—Ten members of the Paramount studio publicity department, representing 25 per cent of the department personnel, were given dismissal notices today. Action resulted from the imposition of economy measures made necessary by the curtailment of foreign operations due to the war.

It was not known whether other studio departments would be affected, but it is believed that the economy order is general and will apply wherever retrenchments can be made without sacrifice of efficiency.

Warners in Reade Deal

Walter Reade Enterprises have signed for Warners' complete 1939-'40 schedule. The deal involves 40 New Jersey and New York theatres.

Purely Personal

GEORGE J. SCHAEFER, RKO president, has postponed the trip to the Coast which he planned to start today. No new departure date has been set.

•

HARRY BROWNING, publicity director of M. & P. Theatres in New England, has been elected chairman of the publicity committee of the Lt. Vernon A. Macauley Post, American Legion, in Boston.

•

LEO DREXLER, Warner assistant contact man in Albany, is still confined to St. Peter's Hospital there, suffering from injuries sustained when he fell from a horse eight weeks ago.

•

CARROLL YOUNG, story editor for Sol Lesser, has left Hollywood for New York to discuss with the producer shooting plans for "Our Town."

•

LUISE RAINER, actress, plans to return to the United States aboard the liner *Manhattan* from Bordeaux, France.

JOE E. BROWN will come to New York for the premiere of "$1,000 A Touchdown," in which he is co-starred with MARTHA RAYE, and will remain here for the World's Series and to see new Broadway plays.

•

LOUIS DE ROCHEMONT has assigned special production duties to RAY HALL on "The Ramparts We Watch."

•

ARTURO TOSCANINI sails for America Saturday on the U. S. liner *Washington.*

•

RUSSELL BIRDWELL arrives today by plane from Hollywood.

Connecticut Allied Will Meet Tuesday

NEW HAVEN, Sept. 14.—Allied Theatres of Connecticut will meet next Tuesday at the Hofbrau Haus to nominate officers for the coming year. Maurice Shulman, president, and Dr. J. B. Fishman, of the board of directors, will report on the recent Allied Theatres of New Jersey convention at Atlantic City, which they attended.

Giveaway Ban Voted By Wisconsin Senate

MADISON, Sept. 14.—The Wisconsin Senate today passed the Paulson bill prohibiting theatre games and giveaways. The measure was sent to the Assembly. A companion bill, defining lotteries as a nuisance, has been delayed in the Senate.

Independent exhibitors in the state opposed passage of the Paulson bill on the ground that it would not prohibit churches from conducting bingo games.

New Import Firm

Concord Films, Inc., has been formed by Martin Lewis, H. S. Rosenwald and Harold Neuberger for the importation and distribution of foreign films. The company's first vehicle will be "Rasputin," starring Harry Baur, and is set for a mid-October release.

Will Transfer Mobeel Suit to Federal Court

An anti-trust suit which was filed about six weeks ago by Mobeel Enterprises, Inc., operator of the Glenwood, Brooklyn, against Century Circuit and Warners, M-G-M, Paramount, RKO and United Artists, will be discontinued in the state supreme court and filed in the Federal court, according to Morris Bohrar, attorney for the plaintiff.

Charles Sussman, head of Mobeel, charges in the suit that the Glenwood was unable to obtain product which it had formerly had after opening of the new Century house, the College.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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BETTE DAVIS
and
MIRIAM HOPKINS
in
"THE OLD MAID"
with
GEO. BRENT

Donald Crisp • Jane Bryan • Louise Fazenda • James Stephenson • Jerome Cowan • Wm. Lundigan • Cecilia Loftus

Directed by EDMUND GOULDING

Screen Play by Casey Robinson • Based on the Pulitzer Prize Play by Zoe Akins and the Novel by Edith Wharton
Music by Max Steiner • A First National Picture

JACK L. WARNER
In Charge of Production

HAL B. WALLIS
Executive Producer

HENRY W. BLANKE
Associate Producer

IN OVER 6 YEARS THE ONLY N.Y. STRAND ATTRACTION TO GO FIVE WEEKS IS 'THE OLD MAID'. AND A 6TH IS IN THE BAG! THE BROOKLYN PARAMOUNT HITS HIGHEST TWO WEEKS EVER! AND HOLDS FOR THIRD. DITTO AND DOUBLE DITTO EVERYWHERE. WARNERS' FIRST FOR '39-40 TOPS EVEN WARNERS' TOP OF '38-39! NEXT 'DUST BE MY DESTINY'–AND MAGNIFICENT! STAY UP ON YOUR TOES!

Asks Repeal Of Delaware Sunday Laws

WILMINGTON, Sept. 14.—A special session of the state legislature to revise Delaware's ancient Sunday blue laws was urged here today by Attorney General James R. Morford.

In a communication to Senator Paul R. Rinard of Wilmington, father of the Sunday movies bill which was vetoed recently, Morford also asked that the special nine-member commission appointed to study the statutes decide as soon as possible whether they should or should not be strictly enforced.

Strict enforcement of the 144-year-old laws, which prohibit any worldly labor on the Sabbath, would cripple the state's commercial and social life on Sunday, he said.

The communication listed 2,000 blue law violators in Wilmington and Delaware in two Sunday surveys recently made by city and state police and said it would be "extremely unfortunate" if the question of revision is permitted to wait until the next regular session of the assembly in 1941. Amusement violators in the state totaled 18, none of which were in Wilmington. The survey was made to give the commission facts and figures.

He declared that the "demand for revision of these laws is so great, and such revision will so serve the public welfare and answer a real and persistent public demand that the matter of a special session would and should be given very serious consideration by the executive arm of the government." He suggested that the commission recommend to Governor Richard C. McMullen that he call a special session.

Harmon Foundation Makes School Films

Several films on social, economic and religious themes are being prepared by the Harmon Foundation under the supervision of Mary Brady, director, for release to schools, churches and organizations.

Three of the films are on the work at African missions and were shot by Mr. and Mrs. Ray Garner during a 17-month expedition. These are "Bamba," "Ngono and Her People" and "Song After Sorrow."

William L. Rogers, film associate of the Harmon Foundation, is making a film record of the cooperative movement in Sweden, Denmark and Finland which will be released as a series of three-reelers.

Aubrey Blair Takes AGVA Post in West

HOLLYWOOD, Sept. 14.—Aubrey Blair, executive secretary of the Junior Division of Screen Actors Guild since its formation in 1933, resigned that post today to become director of organization for the American Guild of Variety Artists for the western states.

Blair has been engaged in organizing work for A.G.V.A. in San Francisco for the past few weeks. He will go to Portland, Seattle and Salt Lake City on his first organizing assignments in his new post.

Hollywood Preview

"Thunder Afloat"

(*M-G-M*)

HOLLYWOOD, Sept. 14.—How sturdy Yankee seafarers fought and conquered the 1918 U-boat menace is graphically illustrated in "Thunder Afloat." Authentic fact and romantic fiction are blended in the stirring story which by reason of current events is of timely topical significance.

Personal differences existing between rival tug boat captains, Wallace Beery and Chester Morris, are subjugated but never forgotten in a time of common danger and national emergency. Naturally resentful because Morris has been made his superior officer, thus permitting comedy, Beery considers the fight between U. S. and Germany a personal affair because the enemy sunk his tug.

Unamenable to discipline, the vengeful skipper commits a rash act that endangers shipping and service safety and so is reduced in rank. Beery's daughter, Virginia Grey, who loves her father greatly, comes to have a warm estimation for Morris.

Beery, reduced to the rank of a common seaman, is a major factor in a group of shadow fleet fighters which plays hob with submarines. In exciting sequences, he leads the crew which plays hob with enemy, sinking a submarine. He is restored to his officer rank when the sub chaser fleet is ordered to convoy duty.

With a great majority of American theatre goers being war conscious whether willing or not, "Thunder Afloat" naturally is a timely attraction. Even with the world at peace, the exciting story authored by Ralph Wheelwright and Harvey Haislip, which Haislip and Wells Root transcribed to the screen, would have high entertainment value by reason of its exciting quality story and thrilling character production effects. Also the presence of Wallace Beery in the cast of any picture makes it an attraction which many consider it a duty to see. In this he is the two-fisted Beery, rough and determined, yet whimsical. With Morris and Miss Grey heading the supporting cast, George B. Seitz directed the picture in a manner that should stir patriotism in all who see it.

Running time, 90 minutes. "G."* G. McC.

*"G" denotes general classification.

See War Shifting World Television Center to U. S.

By ALFRED FINESTONE

With public television suspended in England, probably for the duration of the war, the center of development has shifted to America.

Television in Britain is controlled by BBC, which now has come directly in the Government service. The air has been cleared of virtually all radio broadcasts except those in line with national defense.

Baird Television Corp. will not be deterred, however, in furthering its plans to install television screens in New York theatres, according to Arthur A. Lee, vice-president of Gaumont British. The company moreover is planning to put on programs of its own and probably will seek to tie up major sports events, he said.

Lee has received information from London that French planes reconnoitering enemy lines at the western front are experimenting with television sending apparatus. The pictures are received at field headquarters and photographed as they come in.

Meanwhile, Scophony, Ltd., another English manufacturer of television equipment, is attempting to establish itself here. Jack Davis, managing director of the Monseigneur News Theatre Circuit of 16 houses in England and Scotland, is in New York seeking to interest capital in forming an American Scophony company.

Davis arrived here three weeks ago primarily on a vacation, accompanied by his wife and two children. They now find themselves stranded, because the British consulate has advised against sailing for the time being, even on an American boat.

Davis has pioneered in theatre television. His most unusual experience was when one of his newsreel theatres in London received the Boone-Danahar fight. The theatre seats 500, and although tickets sold for $5, a crowd of 6,000 persons tried to get in.

Scophony has developed theatre screens up to 20 by 12 feet, Davis said, and home receivers show clear pictures up to 20 inches in width, with a four-foot screen available for the home.

He has inspected television here and believes American development to be behind England's. He believes great progress has been shown in a short time and will continue to be made.

Television in England is surrounded by technicalities, said Davis, such as who owns the air rights and if a theatre, to show a prize fight, must compensate the promoter. The question has also been raised whether a camera crew may work on private property without paying the owner for the privilege. It is expected that there will be clarifying test cases on such points.

Newsreel Parade

Prominent in the new issues are the raising of the submarine *Squalus*, revision of the Neutrality Law under dispute, and the survivors of the *Athenia* arriving in Nova Scotia. The reels and their contents follow:

MOVIETONE NEWS, No. 2—Neutrality revision discussed by Congress leaders. *Athenia* survivors tell of attack. *Squalus* raised, towed to port. Winter coast fashions. Navy and Texas Christian football teams in practice. Boxing in Australia.

NEWS OF THE DAY, No. 200—*Athenia* survivors in Nova Scotia. Shots taken aboard German U-boat. Senators Nye and Thomas discuss neutrality. Pershing celebrates birthday. *Squalus* raised. Fordham opens football season.

PARAMOUNT NEWS, No. 5—Football at Annapolis. Life boat race in New York. Navy tows *Squalus*. *Athenia* survivors tell of hardships. Neutrality story: Troops to Canal Zone, destroyers reconditioned, recruiting, and Senator Thomas speaks on situation.

RKO PATHE NEWS, No. 17—*Athenia* survivors return. Pershing is 79 years old. *Squalus* raised. Nye and Thomas on embargo. Navy football team in training. Polo match.

UNIVERSAL NEWSREEL, No. 806—Roosevelt calls special session of Congress. Navy recruiting. Red Cross speeds production of supplies. Ship tanks to Fort Knox. Salmon fishing in Oregon. Log rolling in California. Pershing has a birthday. *Squalus* raised and towed. *Athenia* survivors reach port.

Newsreels Without War Action Shots

(*Continued from page* 1)

contents apparently have been deleted by censors.

Also, irregular schedules of Clippers and ships make reception of material all the more uncertain.

Several reels have obtained passports and visas for American cameramen to enter Poland but have delayed starting the men abroad because of inability to obtain assurances that these men would be admitted to France or Germany in the event Poland was conquered by the time of their arrival in Europe.

The reels figure it would be impossible now to land a cameraman in Poland before Sept. 28, by which time the situation there might be such that their passports would not be honored and they would be without rights to enter another country at the scene of action. France has not agreed yet to admit news cameramen from America.

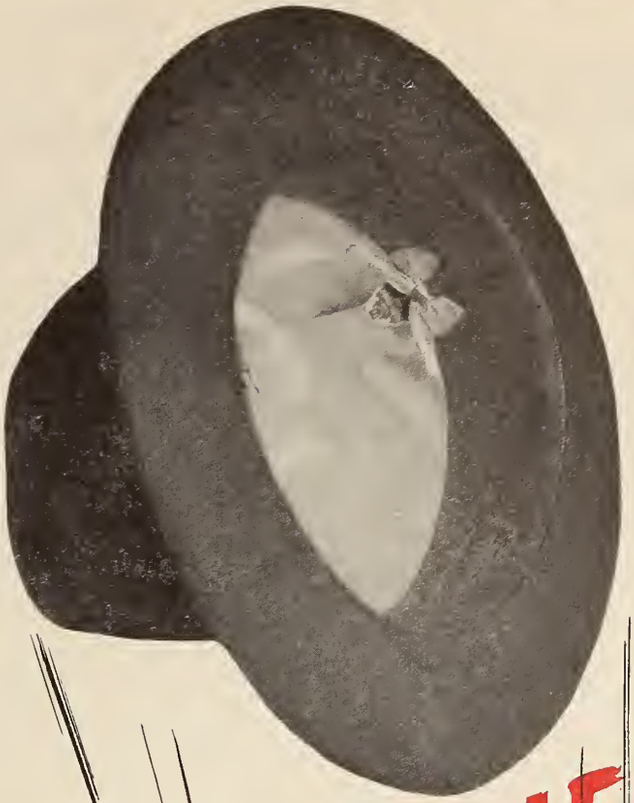
The new issue of News of the Day includes some shots made aboard a German submarine. This, however, was authorized by Reich officialdom prior to the imposition of rigid censorship at the start of the war.

Curiously, despite the inability of reels to obtain war material, some report that they are receiving complaints from exhibitors that the reels are giving over too much footage to material pertaining to the war.

WKRC Mutual Outlet

Effective Sept. 24, WKRC, Cincinnati, will become the basic outlet for the Mutual network in the Cincinnati area. Operating with 5,000 watts day and 1,000 watts night, on 550 kilocycles, WKRC is currently owned and operated by CBS, but it is under contract of sale to the Cincinnati *Times-Star*, subject to approval of license transfer by F.C.C.

HATS IN THE AIR!



ANOTHER M-G-M HIT!

(One after another. Oh boy!)



THUNDER AFLOAT

with CHESTER MORRIS · VIRGINIA GREY

A Play by Wells Root and Commander Harvey Haislip · Directed by GEORGE B. SEITZ Produced by J. WALTER RUBEN

A METRO-GOLDWYN-MAYER PICTURE



TIMELY AS THE HEADLINES!

Independents Face Lower Ascap Rates

(Continued from page 1)

only about 40 per cent of the Ascap music used on the air, yet their fees account for approximately 60 per cent of Ascap's revenue, or around $2,400,000 of the $4,000,000 average which the society collects from radio annually. This means, obviously that the networks originate about 60 per cent of the Ascap music on the air and pay about 40 per cent, or around $1,600,000, annually.

Ascap believes that a new contract formula which would reapportion fees on a basis more closely linked with the use made of its music by the broadcaster groups should be given consideration, it was learned.

Networks argue that they finance the experimental and development work done by the industry and, currently, are paying for television experimentation, which will also be a new performing market for music. Ascap admits the justice of this argument, but views the matter as something related not to itself but to the various groups of broadcasters, which should be settled among themselves. It declines to accept it as an argument for reduced rates for the networks.

The Independent Radio Network Affiliates have not communicated with Ascap in any way relative to a new contract.

N. A. B. will consider at its Chicago meeting today the first proposal of Sidney Kaye, its special counsel, for financing its proposed music catalogue to make the networks "independent of Ascap or less dependent on it." It has been reported that a budget of $1,000,000 minimum will be proposed.

Grosses Stand Up For Oklahoma City

OKLAHOMA CITY, Sept. 14.—With the temperatures hovering near the 100 degree mark and with no relief in sight, air-conditioned theatres enjoyed good business during the week ended Sept. 7. Total first run business was estmiated at $18,300 as compared with the average of $17,400.

Estimated takings for the week ending September 7:

"Star Maker" (Para.)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,200. (Average, $5,200)
"Miracles for Sale" (M-G-M)
"Panama Lady" (RKO)
LIBERTY—(1,200) (15c-20c-25c) 4 days. Gross: $1,900. (Average, $1,800)
"Bad Lands" (Radio)
"Code of the Secret Service" (W. B.)
LIBERTY—(1,200) (15c-20c-25c) 3 days. Gross: $700. (Average, $700)
"Stanley and Livingstone" (20th-Century)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $4,400. (Average, $4,200)
"Each Dawn I Die" (W. B.)
PLAZA—(750) (25c-35c-40c)) 7 days, second week, moved from Midwest. Gross: $1,200. (Average, $1,100)
"The Man They Could Not Hang" (Col.) 3 days
"Kerga, the Wild Stallion" (Col.) 3 days
"She Married a Cop" (Rep.) 4 days
"Should Husbands Work" (Rep.) 4 days
STATE—(1,100) (15c-20c-25c) 7 days. Gross: $2,000. (Average, $2,500)
"The Wizard of Oz" (M-G-M)
TOWER—(1,000) (25c-30c-35c) 7 days, second week, moved from Midwest. Gross: $2,200. (Average, $2,000)

Hollywood In Brief

HOLLYWOOD, Sept. 14.—"Refuge," a 45-minute picture photographed by Jean Paul Dreyfuss and edited by Irving Lerner for the Spanish Refugee Relief Campaign, was privately previewed in the studio lounge of the Hollywood Roosevelt Hotel this week. Said to have been shot by concealed cameras, the film presents the plight of Spanish refugees who fled into France toward the close of the war in Spain. National officers of the SRRC are listed as Harold L. Ickes, Mrs. Caspar Whitney, Philip Merivale and Dr. Sherwood Eddy. Attendance at the preview suffered some from simultaneous exhibition for the press, elsewhere, of two purely commercial films, "Rulers of the Sea" and "The Day the Bookies Wept."

Universal's "Tropic Fury" is set for preview Sept. 27 under circumstances paralleling the far-away exploitation previews of recent publicity—now less prevalent due to this and that—the studio transporting press and other guests up San Fernando Valley to Van Nuys (that's about a 10-minute hop) where Andy Devine, of the picture, is Mayor. It'll take two theatres to handle the crowd, the Van Nuys and Rivoli. Richard Arlen, Mayor of nearby Sunland, is co-starred with Mayor Devine in the film.

Bert Sternbach, general manager of Producers Pictures Corp. studios in construction at Prescott, Arizona, has notified Ben Judell, president, that work is proceeding under floodlights at night so satisfactorily that the new plant will be ready for production Oct. 1.

Not one but four sea pictures are to be produced in the new Warner tank stage, construction of which was stopped momentarily when "Sea Hawk" was temporarily sidetracked, and the appropriation for building of the stage, 300 feet long by 170 wide by 85 high, has been increased to $400,000. "Sea Hawk," "Sea Wolf," an addition to the Warner schedule, "John Paul Jones" and "Captain Horatio Hornblower" are the salt water epics to be shot in the new enclosure.

Gladys Cooper, British star active in stage affairs on this side since 1934, will make her picture bow in David O. Selznick's "Rebecca," for U. A. distribution.

Katharine Hartley, fan magazine writer, has been signed by Paramount to write the screen play of "Memo to a Movie Producer," her own story, which will be produced by Arthur Hornblow, Jr.

Carole Lombard has recovered from her recent illness and RKO-Radio's George Stevens has resumed production of "Vigil in the Night," which was suspended for several weeks after two days of shooting due to the star's illness.

Edward Arnold, whose 35 years as an actor have included everything from Shakespeare on Broadway to melodrama in the sticks when "the road" meant 40 weeks out of 52 for handsome leading men, has completed an autobiography which is said to say little about himself but lots about lots of nameful others he's met up with in all that while. He's acting just now in Walter Wanger's "Send Another Coffin."

Guy Kibbee turns heavy for "Patsy," the MGM picture that was known as "Looking for Sandy," and promises not to gag up the role, his first of the unsmiling variety.

Cecil B. DeMille's first all-color production, "Northwest Mounted Police," is to go ahead under more rather than less steam, war conditions notwithstanding. Mentioned at first as among those films likely to be affected by the outbreak due to subject matter, word has been had that the Empire is more than previously interested in having a picture of that kind placed in circulation.

Jackie Cooper's next for Universal will be "No Power on Earth."

William Gargan, Ann Sothern, Marsha Hunt and Walter Brennan have been cast for MGM's "A Call on the President."

David O. Selznick has exercised his option on the services of Alan Marshal, four years in Selznick employ and contracted now for a fifth.

Central to be French Film Show-Window

The Central Theatre, Broadway grind house, will be converted early in October into a first run for French pictures, serving as an outlet for the Film Alliance of the United States, foreign film distributor. The company was formed last year, but is now starting operations, with 18 franchised exchanges.

After extensive remodeling, the Central will inaugurate its new policy with "Port of Shadows" ("Quai de Brumes"), prize-winning film featuring Jean Gabin and Michele Morgan. The theatre will be given a new name.

Major L. E. Thompson of RKO is president of Film Alliance. The company is scheduling about 25 features for release this season. It has 12 French and nine English pictures. In addition, "The Pirate" and one other Charles Boyer picture is to come from France. The company's French affiliate is Synimex.

Harry Brandt is a vice-president of Film Alliance, and both the Central and the Globe, which is the English picture outlet, are Brandt houses. In New York the pictures will be booked into the Brandt circuit, contingent on deals made with other circuits. Indefinite runs are planned for the French pictures at the Central.

Nat Wachsberger, French producer and exhibitor, is a vice-president of the company and its Paris contact. Joe Weil, formerly exploitation manager for Universal, is publicity director. Nat Sanders is in charge of New York sales.

Wachsberger is working with Boris Morros, Hollywood producer, on French picture material for possible remakes. Three stories have been lined up which may be made in Hollywood. Morros at present is producing for RKO release.

Networks Get Revised Scale From Actors

CBS and NBC, acting for their West Coast regional networks, have obtained from the American Federation of Radio Actors a revised schedule of minimum fees for performers.

The new schedule covers performers appearing on regional commercial programs originating in Hollywood, Los Angeles or San Francisco and not available to stations other than those in the 11 western states. The regional rates are approximately 60 per cent of the national A.F.R.A. rates.

The new schedule will be put into force immediately and will hold until Feb. 12, 1941. Mark Woods and Lawrence Lowman, CBS and NBC vice-presidents, acted for their respective networks and Emily Holt for A.F.R.A.

The rates for actors are to be as follows: $7.50 for a 15-minute strip; $10 for the half-hour; $12.50 for the hour programs. Soloists are to receive $20 for 15-minutes; $25 for 30 minutes; $30 for 45 minutes; $35 for one hour. Rehearsal fee per hour is $3.50. Announcers' fees are $8.50 for 15-minutes; $12.50 for 30 minutes; $17.50 for the full hour. Rehearsal fee is $3 for the first hour.

War Effects on Film Trade Called Weak

The war's effects on film distribution abroad will soon be less noticeable than those felt at the outbreak of the conflict, according to John W. Hicks, Paramount chief of foreign operations, who returned to New York last week-end after 10 weeks in Australia, New Zealand and the Pacific Islands.

"Having been in constant communication with Paramount's foreign offices and representatives, I have found a definite feeling that present handicaps to normal film distribution abroad will soon be eased," Hicks said.

Hicks added that American motion pictures would share in the increased prosperity felt by countries such as Australia and New Zealand; as well as South American countries, all of which would share in the war boom as a result of increased consumption of their products.

Cruelty to Animals Charged to Studios

ALBANY, Sept. 14.—The film industry was accused of practicing cruelty to animals by Eric Hansen in reporting to the national convention of the American Humane Society here the results of his film survey.

He asked that an end be put to the use of pitfalls on locations. Hansen said he had ascertained that camouflaged stockades used in jungle scenes and forced animal fights became serious offenses through nation-wide exhibition of films in which they appear.

The association will send a field representative to Hollywood to attempt to obtain industry cooperation on uniform regulations pertaining to the use of animals in films.

Two Columbia Latin America Parleys Billed

J. A. McConville, Columbia foreign manager, will sail for Havana on the *Oriente* Saturday, accompanied by Charles Roberts, home office supervisor for Latin America, to preside over the first two conventions the company has held in Latin America.

Because of the war in Europe, McConville believes that business in the Latin American countries will be materially improved, and that extra effort will be required to build up maximum revenues.

In addition to the Hollywood product, which, it is stressed, will not be curtailed because of the war, the company has four Spanish films made in Mexico, and a French picture, all of which will be shown in Latin America.

Conventions will be held in Havana from Sept. 20 through 22 and in Buenos Aires from Oct. 30 through Nov. 1.

'Oz' Hits $16,500, Leads in Capital

WASHINGTON, Sept. 14. — "The Wizard of Oz" took $16,500 at Loew's Palace. "Lady of the Tropics" took $18,500 at Loew's Capitol, and "In Name Only" was good for $9,500 at the RKO Keith's.

Estimated takings for the week ending Sept. 7:

"Lady of the Tropics" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days. Stage: Fall Follies. Gross: $18,500. (Average, $16,500)
"Stanley and Livingstone" (20th-Fox)
LOEW'S COLUMBIA—(1,243), 25c-40c) 7 days, 2nd week. Gross: $4,500. (Average, $4,500)
"The Wizard of Oz" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $16,500. (Average, $12,000)
"In Name Only" (RKO)
RKO KEITH'S—(1,836) (25c-55c) 7 days. Gross: $9,500. (Average, $6,000)
"Golden Boy" (Col.)
WARNERS EARLE—(2,218) (25c-66c) 7 days. Stage: Vaudeville. Gross: $17,500. (Average, $16,000)
"Indianapolis Speedway" (W. B.)
WARNERS' METROPOLITAN — (1,591) (25c-40c) 7 days. Gross: $3,000. (Average, $4,000)

'Dawn' Kansas City Leader at $6,700

KANSAS CITY, Sept. 14. — With $6,700, "Each Dawn I Die" and "Everybody's Hobby" at the Orpheum made the best showing. "Lady of the Tropics" and "Coast Guard" drew $12,600 at the Midland. The weather was hot.

Estimated takings for the week ending Sept. 5-7:

Stanley and Livingstone (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $2,800. (Average, $3,000)
"Lady of the Tropics" (M-G-M)
"Coast Guard" (Col.)
Midland—(4,000) (25c-40c) 7 days. Gross: $12,600. (Average, $11,500)
"The Starmaker" (Para.)
NEWMAN—(1,900) (25c-40c) 2nd week. Gross: $3,700. (Average, $7,000)
"Each Dawn I Die" (W. B.)
"Everybody's Hobby" (RKO)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $6,700. (Average, $5,000)
"I Stole a Million" (20th-Fox)
TOWER—(2,200) (25c) 7 days. Stage: Hank Browne & Co., Maidie & Ray, Paul & Petit, Dick Ware. Gross: $5,800. (Average, $5,000)
"Stanley and Livingstone" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $4,200. (Average, $3,500)

Feature Reviews

"The Day the Bookies Wept"
(RKO)

HOLLYWOOD, Sept. 14.—When producer Robert Sisk, writers Bert Granet and George Jeske and director Leslie Goodwins got their heads together to concoct "The Day the Bookies Wept," they must have had the prophetic vision that along about the time of the picture's release people would be in the mood for a lot of hearty laughs.

Anyway, they cooked up a nonsensically funny race horse story, recruited competent funsters Joe Penner, Richard Lane, Tom Kennedy, Thurston Hall, added Betty Grable and Bernadene Hayes for the necessary feminine touch and told them to get out there and be as funny as they could be.

The result is a full hour of farce hokum, jam packed with laughter in lines, situations and characterizations. Bled white by long shots that never win, the Lane-Kennedy gang of taxi drivers thirst for vengeance on the bookies. They buy a horse and commission pigeon fancier Joe Penner to get and train it.

Penner is a hopeless trainer and the horse is a hopeless runner until Miss Grable learns that the steed likes its beer and that, when full of it, can run faster than a hurricane. Wanting marriage with Penner and a suburban cottage, she commandeers Penner's savings and the taximen's kitty, buys the steed a keg of high-powered brew which it consumes avidly, and then comes in at 80 to one.

That's why the bookies wept, and the preview audience laughed.

Running time, 60 minutes. "G."* G. McC.

"Two Bright Boys"
(Universal)

HOLLYWOOD, Sept. 14.—Despite its title, Universal's "Two Bright Boys" is a comedy melodrama which makes the most of every opportunity to amuse. It is a story of the fight of a boy and his widowed mother against the scheme of an avaricious oil baron to seize their land. Another boy, the son of an English confidence man, and his father, enter the scene and complicate matters further as hirelings of the racketeer.

Title roles are played to the hilt by Jackie Cooper and Freddie Bartholomew, their personalities providing interesting contrast. Supporting are Melville Cooper in one of his best performances—that of the confidence man; Dorthy Peterson as the widow; Alan Dinehart as the oil mogul; J. M. Kerrigan as an Irish oil driller; and Willard Robertson, Eddie Acuff, Hal K. Dawson, Harry Worth and Eddy C. Waller.

The original screenplay by Val Burton and Edmund L. Hartmann is a concisely wrought piece of cinema entertainment, bristling with bright dialogue. Joseph Santley directed the Burt Kelly production.

Posing as an English banker under threats by Dinehart, Cooper lends $3,000 to Cooper and his mother to drill their land for oil. When they near success, Dinehart wrecks their derrick and is about to take over the land on a foreclosure. However, Cooper, having become regenerated, decides upon one more last crime—he forges Dinehart's name to a check and enables Cooper to bring in the well.

Running time, 73 minutes. "G."* VANCE KING

"Tropic Fury"
(Universal)

"Tropic Fury" is solid, melodramatic entertainment lightened by comedy touches and an unusual view of the methods of rubber production. Exploitation centered around rubber plantations and the modern developments of this commodity should arouse interest in the film's theme.

The plot is concerned with the difficulties of Richard Arlen, a young chemist, who is sent to the jungle to rescue the leader of a previous expedition, Charles Trowbridge, and to investigate the possibilities of American rubber production. En route, he picks up Andy Devine, a stranded sailor, who accompanies him. To his amazement Arlen finds that a young girl, Beverly Roberts, is also headed for the jungle.

Arlen and Devine pretend to be laborers in order to secure employment and once more find Miss Roberts on the scene. The subsequent sequences take place on the plantation and show how the natives tap the rubber from the trees and cure it.

Performances are uniformly good. Ben Pivar produced and Christy Cabanne directed. The screenplay was written by Michael Simmons from an original by Maurice Tombragel and Pivar.

Running time, 62 minutes. "G."* EDWARD GREIF

**"G" denotes general classification.*

15 New Film Houses Built In Cincinnati

CINCINNATI, Sept. 14.—New theatre construction here and in the Cincinnati trade territory from Sept. 1 of last year to date has exceeded any similar activity in the past several years. In all, 15 theatres have been built or are in the course of construction, with a total of 10,130 seats.

Locally, the new Grand, which will replace the Grand Opera House, an old landmark in the heart of the theatre sector, is the largest project, with 1,500 seats. The old structure now is being razed, upon completion of which work, building operations will be started immediately. The house is being erected by the Taft Estate, and has been leased by RKO for a long term of years.

The old Times-Star building, likewise in a prominent downtown location, is being demolished, and a new 700-seat house will be built on the site by Gifts, Inc., composed of Ike and Abe Libson and associates. Louis Wiethe recently opened the 900-seat Kentucky at nearby Latonia, Ky.

The 700-seat Mariemont, known as the Thomas J. Emery Memorial, in a suburban location, was opened within the past 12 months, as was also the Silvertone, with 600 seats, operated by J. W. Nordloh, at Silverton, a suburb. Willis Vance, who opened the 450-seat Ohio in suburban Norwood during the year, is building the State, with a 470-seat capacity at Newport, Ky., just across the river from here, while a new house with 600 seats is practically completed at suburban College Hill. William Murrison and R. V. Tusch are the builders.

Nat Galley and associates are about ready to open the 900-seat Elmwood, a suburban unit, the same interests having launched the Avon, neighborhood house with 600 seats, and the Miami-Webster, an 800-seater at Oxford, Ohio.

Throughout the territory, Rappold Brothers are building a 600-seat house on Parsons Ave., a neighborhood location in Columbus, Ohio, and Rader Brothers have started work on a theatre with 525 seats at Eaton, Ohio.

A new theatre to have 500 seats is being built by Harry Schwartz, at Paris, Ky., and work is starting on a 300-seat house, at Beverly, Ohio, with C. O. Dixon as the builder.

Pearces Arrive In East for Week

Al Pearce and Mrs. Pearce arrived by train Wednesday from California They will remain here one week to complete plans for the new radio series Pearce has been signed for, and then return to California, whence the series will originate. Dorothy Haas of the Fanchon & Marco office came to New York with the Pearces and will accompany them on the return to the coast. The new Peare program is to start in October over CBS.

Howard Allen Dead

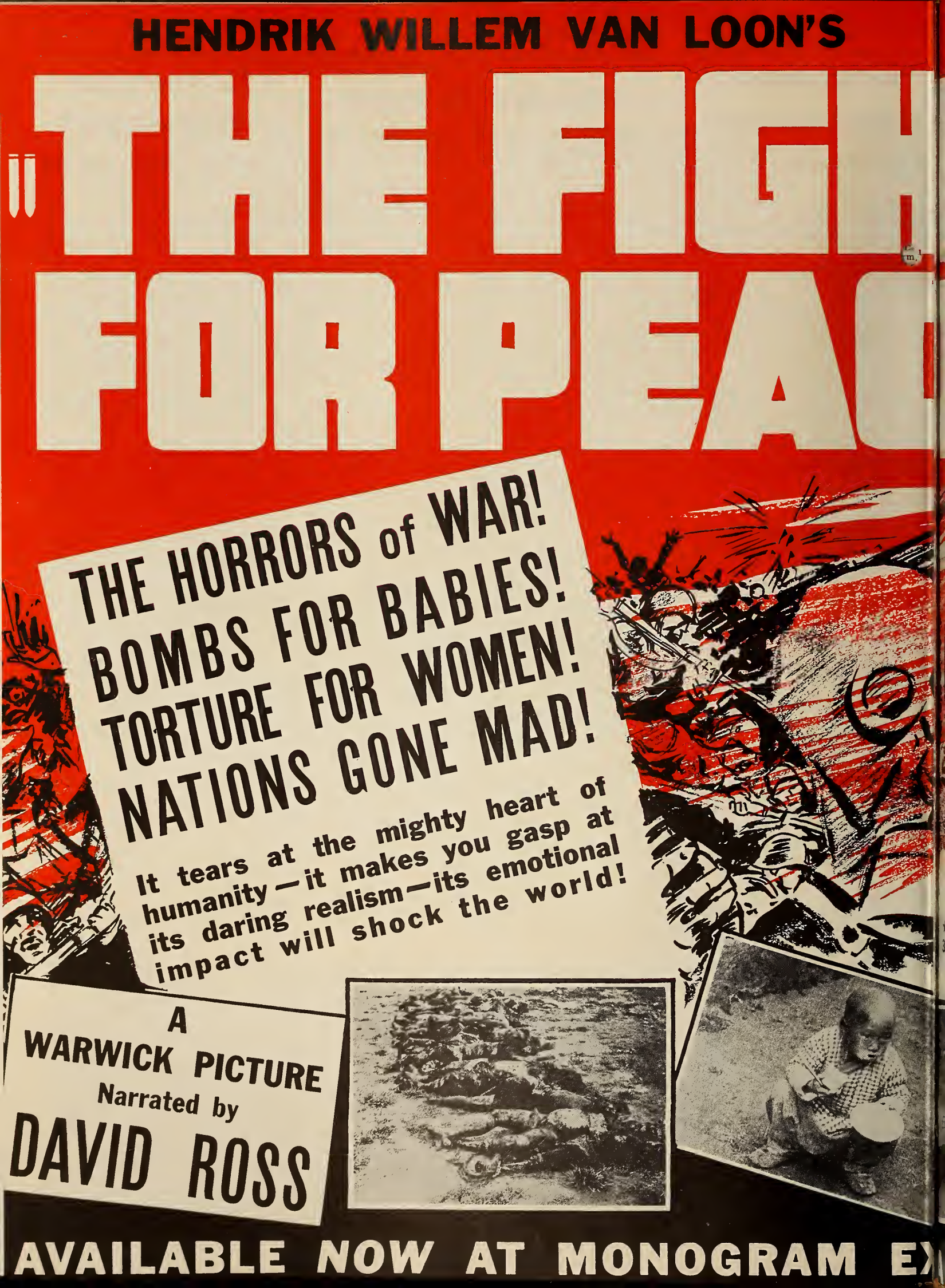
DENVER, Sept. 14.—Howard Allen, manager of the Pace theatre at Gordon, Neb., died of a heart attack. Black Hills Amusement Co. owns the Pace theatre.

HENDRIK WILLEM VAN LOON'S

"THE FIGH
FOR PEAC

THE HORRORS of WAR!
BOMBS FOR BABIES!
TORTURE FOR WOMEN!
NATIONS GONE MAD!

It tears at the mighty heart of humanity—it makes you gasp at its daring realism—its emotional impact will shock the world!



A
WARWICK PICTURE
Narrated by
DAVID ROSS

AVAILABLE *NOW* AT MONOGRAM EX



DEATH AND DICTATORS MARCH HAND IN HAND!

"OVERPOWERING . . . MUST BE SEEN . . ."
—Nugent, N. Y. Times

★ ★ ★ ½ ★
3½ STARS
— N. Y. Daily News

"AN ORCHID TO 'THE FIGHT FOR PEACE'"
— Walter Winchell

"HAS GREATER DIGNITY AND POWER THAN PREVIOUS WAR SPECTACLES"
—Johanesen, N. Y. Daily Mirror

NGES • RUNNING TIME 65 MINUTES

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Aug. 11		Lady of the Tropics *Hedy Lamarr Robert Taylor* (G) (D)		Our Leading Citizen *Bob Burns Susan Hayward* (G) (D)	New Frontier (O) *John Wayne Ray Corrigan*	Bad Lands *Robert Barrat Noah Beery, Jr.*	Chicken Wagon Family *Jane Withers Leo Carrillo Marjorie Weaver*	Man in the Iron Mask *Joan Bennett Louis Hayward* (G) (D)	When Tomorrow Comes *Charles Boyer Irene Dunne* (G) (D)	Playing with Dynamite *Jane Wyman Allen Jenkins*
Aug. 18	The Man They Could Not Hang *Boris Karloff Roger Pryor*	These Glamour Girls *Lew Ayres Lana Turner Tom Brown*	Riders of the Frontier *Tex Ritter* (O)	This Man Is News *Barry K. Barnes* Renegade Trail	In Old Monterey (O) *Gene Autry Smiley Burnette*	In Name Only *Carole Lombard Cary Grant Kay Francis* (G) (D)	Stanley and Livingstone *Spencer Tracy Nancy Kelly* (G) (D)	They Shall Have Music *Jascha Heifetz Andrea Leeds* (G) (D)		Each Dawn I Die *James Cagney George Raft* (G) (D)
Aug. 25	Five Little Peppers and How They Grew Riders of Black River	Wizard of Oz *Judy Garland Frank Morgan Bert Lahr* (G) (C)	Oklahoma Terror (O) *Jack Randall*	Star Maker *Bing Crosby Louise Campbell*	Smuggled Cargo *Rochelle Hudson Barry MacKay*		Jones Family in Quick Millions *Jed Prouty* (G) (C)			The Angels Wash Their Faces *Dead End Kids* Hobby Family *Irene Rich*
Sept. 1	Konga the Wild Stallion *Fred Stone Rochelle Hudson*	The Women *Norma Shearer Joan Crawford Rosalind Russell*		Death of a Champion *Lynne Overman Robert Paige*	Flight at Midnight *Phil Regan*	Conspiracy *Allan Lane Linda Hayes*	Adventures of Sherlock Holmes *Basil Rathbone Ida Lupino* (G) (D)		The Under-Pup *Nan Grey* (G) (C) Mutiny on the Blackhawk *Richard Arlen* (G) (D)	The Old Maid *Bette Davis Miriam Hopkins* (G) (D)
Sept. 8	Golden Boy *Stanwyck* (G) (D) Hidden Power *Jack Holt*	Blackmail *Edward G. Robinson Ruth Hussey*		Range War *William Boyd Russell Hayden*	Wall Street Cowboy (O) *George Hayes*	Full Confession *Victor McLaglen* Fighting Gringo *George O'Brien*	Charlie Chan at Treasure Island *Sidney Toler* (G) (D)		Bad Company *Jackie Cooper Freddie Bartholomew* Desperate Trails (O)	Nancy Drew and the Hidden Staircase *Bonita Granville Frankie Thomas*
Sept. 15	Outpost of the Mounties *Charles Starrett Iris Meredith*	Thunder Afloat *Wallace Beery Chester Morris*	Sky Patrol *John Trent Jackie Coogan*	Beau Geste *Gary Cooper Ray Milland* (G) (D)	Calling All Marines *Donald Barry Helen Mack*	The Day the Bookies Wept *Joe Penner Betty Grable*	The Rains Came *Myrna Loy Tyrone Power George Brent*		Hawaiian Nights *Johnny Downs Mary Carlisle* (G) (C)	Dust Be My Destiny *John Garfield Priscilla Lane* (G) (D)
Sept. 22	Prison Surgeon *Walter Connolly Iris Meredith*		Crashing Thru *James Newill*	$1,000 a Touchdown *Joe E. Brown Martha Raye*		Fifth Avenue Girl *Ginger Rogers James Ellison* (A) (C)	Stop, Look and Love *Jean Rogers William Frawley*	Intermezzo, a Love Story *Leslie Howard Ingrid Bergman*	Rio *Sigrid Gurie Basil Rathbone Robert Cummings*	No Place to Go *Fred Stone Gloria Dickson*
Sept. 29		Dancing Coed *Lana Turner Richard Carlson Artie Shaw*	Mutiny in the Big House *Charles Bickford* The Fight for Peace	Honeymoon in Bali *Madeleine Carroll* Range War (O)	The Arizona Kid *Roy Rogers*	Nurse Edith Cavell *Anna Neagle Edna May Oliver* (G) (D)	Here I Am A Stranger *Richard Greene Roland Young*	The Real Glory *Gary Cooper Andrea Leeds*	First Love *Deanna Durbin* Listen Kids *Johnny Downs*	A Child Is Born *Geraldine Fitzgerald Gladys George*
Oct. 6		Fast and Furious *Ann Sothern Franchot Tone*	Scouts of the Air *John Trent Marjorie Reynolds*	What a Life *Jackie Cooper Betty Field*		Everything's On Ice *Irene Dare Edgar Kennedy*	The Escape *Kane Richmond Amanda Duff*	Eternally Yours *Loretta Young David Niven*	Hero for a Day *Anita Louise Dick Foran*	Espionage Agent *Joel McCrea Brenda Marshall*
Oct. 13	Scandal Sheet *Otto Kruger Ona Munson*	Ninotschka *Greta Garbo Melvyn Douglas*	Overland Mail *Jack Randall* (O)	Jamaica Inn *Charles Laughton Maureen O'Hara*	Sabotage *Arleen Whelan* Kansas Terrors *Jacqueline Wells*	Three Sons *Edward Ellis Virginia Vale*	Hollywood Cavalcade *Alice Faye Don Ameche*	Housekeeper's Daughter *Joan Bennett Adolphe Menjou*	Tower of London *Basil Rathbone Boris Karloff*	Pride of the Blue Grass *Edith Fellows Gampry the Horse*

Paramount Pictures

Book these PARAMOUNT SHORTS when you book your features!

SEPTEMBER 1 — Paramount Color Cruise ECUADOR

SEPTEMBER 8 — Paramount Headliner ARTIE SHAW'S CLASS IN SWING

SEPTEMBER 15 — Cinecolor POPULAR SCIENCE #1

SEPTEMBER 22 — Paragraphic PUBLIC HOBBY NUMBER ONE

100% BOX OFFICE tested

Short Subject Reviews

"Life Begins for Andy Panda"
(*Universal*)

The customary newspaper flurry caused by the birth of a baby panda in a zoo is utilized to make a lively Walter Lantz color cartune. A baby panda is born in the forest and all the animals celebrate. However, Andy's desire to get into the newsreels causes trouble and he has a narrow escape. Running time, 9 mins.

"Snuffy's Party"
(*Universal*)

Poor little Snuffy Skunk invites all his friends to his birthday party but they arrive with their gas masks and shut him out. He watches the festivities from the window while a rain storm breaks. His chance to become a hero arrives when the dam bursts and his friends welcome him back. A Walter Lantz Cartune. Running time, 7 mins.

"Silly Superstition"
(*Universal*)

Here is a Walter Lantz Cartune which sets out to prove that superstition is nonsense and winds up with the rueful conclusion that there may be something to it after all. Little Blackball, a colored lad, tells his dog that superstitions are silly and defies them all. A few mishaps, however, change his mind. Entertaining. Running time, 7 mins.

"Violin"
(*French Cinema Center*)

Credited with winning a Paris short subject prize, this subject, produced by Films Jean deCavignac, pictures the making of violins in France. With a background of effective stringed music, the subject is extremely interesting and casually instructive. John S. Martin supplies the narrative in English. Running time, 10 mins.

"Stranger Than Fiction, No. 66"
(*Universal*)

Five varied items make up the current issue of "Stranger Than Fiction." A collector of fishing tackle who has been forbidden by his doctor to indulge in fishing; a hand-carved miniature circus; a collector of President Roosevelt's press clippings; a tame quail; and a man who can place several billiard balls in his mouth, are included. Running time, 9 mins.

"Going Places, No. 66"
(*Universal*)

Here is an unusual tropical forest designed and cultivated in Florida by a fruit grower and an industrialist. A point of interest for tourists, the eighty acres abound in tropical plant and animal life. Monkeys and sensitive tropical plants are there in profusion. Running time, 9 mins.

Hollywood Review

"Rulers of the Sea"
(*Paramount*)

HOLLYWOOD, Sept. 14.—Exhibitors will find Paramount's "Rulers of the Sea" a showman's dream come true. A moving story of the birth of steam's use in trans-oceanic travel, Paramount will release it late in November, at a time when, perhaps, the world will more thoroughly realize the perils confronting merchantmen and other vessels through the European strife.

It is fiction, based on fact, and with a measure of romance. The film is the dramatization of the dream of two men that steam would supplant sails and wind as the driving power for boats which would ply the seven seas. The picture affords the widest of current opportunities for exploitation, and its contents justify the expenditure involved.

Topping the cast is Douglas Fairbanks, Jr., in his best characterization to date. Making their American film debuts are the British favorites, Margaret Lockwood and Will Fyffe. Both of the portrayals augur well for their American film future.

Exhibitors can tell their prospective patrons that "Rulers of the Sea" was made by Frank Lloyd, the same producer-director who brought forth "Mutiny on the Bounty," and that Talbot Jennings, one of those credited with the screenplay of "Bounty," worked with Frank Cavett and Richard Collins on the story and script of this film. "Rulers of the Sea" is the grim conflict of men against nature, harnessable and otherwise.

Supporting the top trio is a cast of character players, headed by George Bancroft, Montagu Love, Vaughan Glaser and David Torrence. Laid in the early 19th Century, the story is of the vision of Fyffe, Scotch foundryman, that steam would be used for trans-Atlantic travel. Scoffed at, Fyffe finds new hope in enlisting the aid of Fairbanks, a sailing vessel mate. Fyffe's daughter seeks to dissuade them in pursuing their dream. They labor hard and their efforts are for naught, until a lucky turn of events finally enables them to win success. Fyffe is outstanding as the mechanic whose humble Scotch philosophy is poignant.

Running time, 95 minutes. "G."* G. McC.

**"G" denotes general classification.*

'Maid' at $7,500 In Montreal Lull

MONTREAL, Sept. 14. — "The Old Maid" made the best of the war situation with a gross of $7,500 at the Palace. "Goodbye, Mr. Chips" registered $4,000 for its seventh week at Loew's.

Estimated takings for the week ending Sept. 8:

"When Tomorrow Comes" (Univ.)
CAPITOL — (2,547) (25c-40c-55c-65c) 7 days. Gross: $5,800. (Average, $8,000)
"Goodbye, Mr. Chips" (M-G-M)
LOEW'S—(2,800) (30c-40c-60c) 7 days, 7th week. Gross: $4,000. (Average, $8,000)
"Four Feathers" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. 4th week. Gross: 3,200. (Average, $5,000)
"The Old Maid" (W. B.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days Gross: $7,500. (Average, $11,000)
"These Glamour Girls" (M-G-M)
"Indianapolis Speedway" (W. B.)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $3,800. (Average, $6,500)

Form Radio Company

DOVER, Del., Sept. 14.—Independent Radio Network Affiliates, Inc., has been incorporated here to engage in radio broadcasting. Stock has no par value. Incorporators, were J. Vernon Pimm, Albert G. Bauer and Albert S. Roebuck, all of Philadelphia.

Joins Columbia Artists

Larry Puck has joined the personal appearance department of Columbia Artists, Inc. Puck, who conducted his own agency for a number of years, brings with him several artists, including the Diamond Brothers, Neila Goodelle, Al Trahan and Marty May.

'Maker' at $10,000 Leads Providence

PROVIDENCE, Sept. 14.—"The Star Maker" and "Heritage of the Desert," at the Strand, garnered $10,000. Fay's reopening, after the summer closing, with vaudeville and "Angels Wash Their Faces," took $7,000.

"The Star Maker" (Para.)
"Heritage of the Desert" (Para.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $10,000. (Average, $6,000)
"Lady of the Tropics" (M-G-M)
"A Woman Is the Judge" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $12,500. (Average, $11,000)
"Angels Wash Their Faces" (W. B.)
FAY'S—(1,800) (25c-35c-40c) 7 days. Vaudeville. Gross: $7,000. (Average, $6,500)
"In Name Only" (RKO)
"The Girl From Mexico" (RKO)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days. Gross: $6,200. (Average, $6,000)
"Frontier Marshal" (20th-Fox)
"Torchy Plays With Dynamite" (W. B.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $5,500. (Average, $7,000)
"Each Dawn I Die" (W. B.)
"The Man Who Dared" (W. B.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $3,200. (Average, $3,500)
"Five Came Back" (RKO) (3 days)
"Unmarried" (Para.) (3 days)
"Million Dollar Legs" (Para.) (4 days)
"The Man in the Iron Mask" (U. A.) (4 days)
EMPIRE—(2,200) (30c-30c). Gross: $1,500. (Average, $1,800)

Warner Club Elects

SEATTLE, Sept. 14.—The local Warners Club composed of employes of the Warner exchange, has elected 1939-40 officers as follows: president, Morton Endert; vice-presidents, Art Gollofon and Aldean Hawk; secretary-treasurer, Mary Schmidtt; board of governors, Craig Turner, Margaret Crow, Guy Maxey.

Theatre, Personnel Changes

McKinney Is Shifted

KANSAS CITY, Sept. 14.—W. G. McKinney, former Topeka, Kan., exhibitor, but more recently with Griffith-Dickinson Theatres, Inc., at Lawrence and Paola, Kan., has been brought into the home office as assistant to Ralph Kieffer, head booker. T. G. Morrissett, formerly with the Griffith Amusement circuit in Oklahoma, succeeds McKinney as manager at Paola.

Monogram Names Goldberg

KANSAS CITY, Sept. 14.—Stanley Goldberg has been named booker, office manager, and city salesman for Monogram here by Douglas Desch, manager. Golberg has been in the theatre premium field the past two years, but formerly was booker for the Monogram exchange.

RCA Shifts Johnson

KANSAS CITY, Sept. 14. — Carl Johnson, for five years service manager for RCA at Dallas, has been named service manager here, succeeding Gus Holly, who has been transferred to Camden, N. J.

New Kansas City Lease

KANSAS CITY, Sept. 14.—D. Donnici, who has operated the Palace, downtown subsequent, for over 20 years, has closed a new long term lease and will remodel the house.

Wolfberg Names Barrett

KANSAS CITY, Sept. 14.—Ken Barrett, formerly with the Glen W. Dickinson Theatres, Inc., and prior to that for five years with Isadore N. E. Krutman, New York, has been named manager of the new Giles, John Wolfberg's house.

Remodel, Rename Theatre

The Liberty, Sayreville, N. J., closed for some time, is being remodeled and will be reopened about Oct. 1 by Alvin Theatre Co. of which Max L. Rothman is president. The house will be renamed the Colony.

Open New House by Dec. 25

Theatre under construction on Broadway and 43rd St., Manhattan, on the site of the old George M. Cohan theatre, is expected to be ready for use before Christmas. Consolidated Amusement Enterprises will operate.

Burlesque House Reopens

Irving Place Theatre has been reopened after a Summer shutdown and is operating with burlesque.

Summer Closing Ends

Avalon, Bronx, has been reopened by Consolidated Amusement Enterprises. It was closed for the Summer.

Burlesque and Films

Shubert, Brooklyn, has been taken over by the Salmon Amusement Co., Inc., and has been reopened for burlesque and films.

Remodel in San Antonio

SAN ANTONIO, Sept. 14.—The Princess will be closed for a short time for complete renovation. L. W. Oppenheimer is the owner.

Studios Busy On 42 Films; Four Finished

HOLLYWOOD, Sept. 14.—Forty-two pictures are before the cameras this week, an increase of five over last week's total, despite European developments. Nine new pictures were started and four were completed during the week, while 14 are in preparation and 86 are in the cutting rooms.

Started were: "Illicit Cargo," Larry Darmour-Columbia; "Judge Hardy and Son," M-G-M; "That's Right, You're Wrong," RKO; "The Man Who Wouldn't Talk," "The Adventurer," "Daytime Wife," "Everything Happens at Night" and "The City," 20th Century-Fox; "Vigilante War," Universal.

Also shooting are: "The Incredible Mr. Williams," "Blondie Brings Up Baby" and "Renegade Law," Columbia; "Raffles," Samuel Goldwyn; "Remember," "Northwest Passage," "Broadway Melody of 1940," and "Patsy," M-G-M; "Scouts of the Air," Monogram; "Typhoon," "Victor Herbert," "Campus Wives," "Strange Money" and "The Farmer's Daughter," Paramount; "Hunchback of Notre Dame," "Vigil in the Night," "Abe Lincoln in Illinois" and "Reno," RKO; "Abraham Lincoln Boggs," "Jeepers Creepers," Republic; "Of Mice and Men," Hal Roach-United Artists; "Rebecca," Selznick International-U. A.; "Swanee River," "20,000 Men a Year," "The Bluebird," 20th Century-Fox; "First Love," "Tower of London," "Green Hell," "Little Accident," "The Green Hornet," "Destry Rides Again," Universal; "Send Another Coffin," Walter Wanger-U. A., and "Invisible Stripes," Warners.

Finished were: "Remember the Night" and "Emergency Squad," RKO, and "Four Wives" and "Gambling on the High Seas," Warners.

'Beau Geste' Tops Grosses in Denver

DENVER, Sept. 14.—"Beau Geste" packed them in and was held for another week, giving the film 17 days at the Denham. "The Women" and "The Spellbinder" did the same at the Orpheum where it is being held over.

Total first run business was $41,750. Average is $35,750.

Estimated takings for the week ending Sept. 13:

"Four Feathers" (U.A.)
ALADDIN—(1,400) (25c-40c) 7 days following a week at the Denver. Gross: $3,500. (Average, $3,500)
"In Name Only" (RKO)
"Miracles for Sale" (M-G-M)
BROADWAY—(1,024) (25c-35c-40c) 7 days, following a week at the Orpheum. Gross: $2,500. (Average, $2,500)
"Beau Geste" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days, following 3 days last week. Gross: $8,000. (Average, $6,500)
"When Tomorrow Comes" (Univ.)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: $9,000. (Average, $9,000)
"The Women" (M-G-M)
"The Spellbinder" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $12,500. (Average, $9,000)
"Hotel for Women" (20th-Fox)
"Quick Millions" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,500. (Average, $3,500)
"Tumbleweeds" (Astor)
"Behind Prison Gates" (Col.)
RIALTO—(878) (25c-40c) 7 days. Gross: $1,750. (Average, $1,750)

BANNER RADIO LINES

By JACK BANNER

THE DIVIDED TWAIN, Ascap and the networks, are standing proudly aloof from each other on the subject of a network broadcasting schedule for the music association's Music Festival, which is to be held Oct. 1-6, inclusive. Despite the enormity of the Festival (it will cost Ascap a third of a millon dollars to produce it) neither side has approached the other about the matter of a network schedule for the events. It is almost inconceivable that the networks will not broadcast the Music Festival events, but if both sides persist in their present uncompromising attitude it might very well develop that way.

If that is how it works out we will have a ridiculous situation in which a national event will be carried no farther than the walls of Carnegie Hall, from whence the concerts will originate. Ascap will be the loser in that its festival will be confined to a local program; the networks will be the losers in that a superfine schedule will go begging for lack of radio accommodation. Certainly the public will be a loser too, for the Festival includes concerts by the Boston Symphony Orchestra under the direction of Serge Koussevitsky; a presentation of light operas by Frank Black; an evening devoted to the creative works of Negro musicians; an evening devoted to Symphonic Jazz, Melody and Swing, with Paul Whiteman and his orchestra, Benny Goodman and band and Fred Waring's orchestra and choir; an evening devoted to band music presented by Edwin Franko Goldman's band and other bands; and an evening devoted to popular songs written by composers of the Society in which composers like Irving Berlin, Richard Rodgers, Cole Porter, and others, will sing and play their own works.

There is still time for Ascap and the networks to temporarily forget their differences and get together in the good cause of the Festival. Their ill-will for each other will be insignificant to the ill-will that the public will hold for both sides if they persist in their present attitude until it is too late to arrange a network broadcast schedule.

COL. CHARLES A. LINDBERGH, speaking on the radio for the first time since 1931, will discuss "America and Foreign Wars" over the NBC Red network from Washington tonight at 10:45 o'clock, Eastern daylight saving time. CBS and Mutual also will broadcast the speech.

IT'S OPEN SEASON for sponsors to go hunting newspapermen for their programs. With Burns Mantle signed for the Texaco Star Theatre series, word comes now that John Anderson, drama critic of the *Journal-American*, has been signed by General Electric to present the "Woman of the Week" on the Phil Spitalny program, which is to take the air on Sunday.

PERSONALS AND NOTES: John Gunther and Hugh Gibson, who have covering phases of the war in Europe for NBC, are returning to the United States. . . . The Three Marshalls have signed a management contract with the WOR Artists Bureau. . . . Helen Chandler and Douglas Montgomery have been engaged by Texaco to star in a radio adaptation of Maxwell Anderson's "Saturday's Children" in "Star Theatre" next Wednesday. The stars are now in New York. . . . Al Jolson, Martha Raye and Parkyakarkus are auditioning for Pepsi-Cola. . . . Also auditioning a show this week is Joe E. Brown and still others are Maxie Rosenbloom teamed with Joan Blondell in a try-out for General Foods.

JACK BENNY told us yesterday that a deal is now in progress whereby he and Fred Allen will be co-starred by Paramount in a picture to be made next July, immediately after both go off the air for the Summer. The box-office power of these two appearing together in a picture should be staggering. When they occasionally get together on their radio programs they monopolize practically every receiving set in America. The Crosley ratings for their dual radio appearances stand at pinnacles by themselves.

Reception Problem Solved by Canada

MONTREAL, Sept. 14. — A scientific solution to the restrictions of radio transmission in British Columbia, caused by the topography of the country, has been reported to the Canadian Broadcasting Corp. headquarters by Ira Dilworth, B. C. regional director.

Dilworth reported that CBC engineers who have been working on the problem for months recently found a solution. The scheme would be tested, it was said, when and if money is made available.

The reception problem in British Columbia has for some time been one of the major griefs of CBC. High mountainous terrain and other difficulties place much of the province's population out of reach of the regular CBC programs.

Kay Kyser's Kollege Will Return on Oct. 4

American Tobacco Co. has placed an order with NBC renewing Kay Kyser's "Kollege of Musical Knowledge" for another 13-week period. The renewal is effective Oct. 4. Lord & Thomas is the agency.

J. Walter Thompson, in behalf of Standard Brands, will expand a west coast dramatic adventure serial, "I Love a Mystery," to full network proportions. Beginning Oct. 2, and on the air Mondays through Fridays, the program will be heard at 7:15 P.M. on the Red.

Another new contract is by Wm. R. Warner Co., for a series in which the en cee will be Cal Tinney, newspaper columnist. Title of the program is "Youth vs. Age" and it starts Oct. 28, on a Saturday from 8:30 to 9 schedule.

Power Boost Pleas Placed Before F.C.C.

WASHINGTON, Sept. 14.—Applications for authority to construct two new broadcasting stations and a number of requests for increases of power have been received by the Federal Communications Commission.

The proposed new stations would be a 1420 kilocycle, 100 watt daytime plant to be built at Burlington, N. C., by the Burlington Broadcasting Company, and a 940 kilocycle, 1,000 watt transmitter to be operated at Greenville, Tex., by the Hunt Broadcasting Association.

Other applications received included the requests of Stations WSAN, Allentown, Pa., for increase of power from 500 to 1,000 watts; WMSD, Muscle Shoals City, Ala., for increase of power from 100 to 250 watts; and KGKY, Scottsbluff, Nebr.; KDLR, Devils Lake, N. D.; KGFF, Shawnee, Okla., and KVWC, Vernon, Tex., for increase of night power from 100 to 250 watts.

Station WPG, Atlantic City, N. J., is seeking authority to move studio to New York and transmitter to Kearney, N. J., and extension of time from specified hours to unlimited. Station WMFF, Plattsburg, N. Y., asks a change of frequency from 1310 to 1240 kilocycles and an increase of power from 100 watts night, 250 watts day, to 1,000 watts.

The Commission today tentatively scheduled hearings on broadcasting applications as follows:

Sept. 27: Applications of Station KRSC, Seattle, Wash., for increase of power from 250 to 1,000 watts; Vincennes Newspapers, Inc., for a new 1420 kilocycle, 100 watt station at Vincennes, Ind.; Yuba-Sutter Broadcasters, for a 1320 kilocycle, 250 watt station at Marysville, Cal., and Thumb Broadcasting Company, for an 880 kilocycle, 1,000 watt daytime station at Brown City, Mich.

Nov. 8: Application of The Gazette Company, for a new 1420 kilocycle, 100 watt station at Cedar Rapids, Ia.

Nov. 14: Applications of Stations KMAC, San Antonio, Texas, for change of frequency from 1370 to 930 kilocycles and increase of power from 1360 to 930 kilocycles and ex- to 1,000 watts, and WSBT, South Bend, Ind., for change of frequency from 1,360 to 930 kilocycles and extension of time from sharing to unlimited.

Leon Levine to Talk

How radio may be utilized by directors of publicity for non-commercial organizations and similar groups will be described by Leon Levine, CBS assistant director of educational programs, at a meeting next Tuesday of the National Association of Accredited Publicity Directors. The talk will be followed by a discussion of radio technique in publicity.

Republic Buys 'Blackout'

HOLLYWOOD, Sept. 14.—Republic has purchased "London Blackout," an original by Leonard Fields for immediate production by Sol C. Siegel as a special. Fields has been signed to do the screenplay.

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 54 NEW YORK, MONDAY, SEPTEMBER 18, 1939 TEN CENTS

Knox Delays Setting Trial Of Trust Suit

Waits Until Interrogatory Issue Is Settled

Federal Judge John C. Knox on Friday filed a memorandum in the U. S. District court here in which he agreed not to rule on the Government's motion for a preference on the trial calendar for the New York anti-trust suit until the question of replying to the Government's recent interrogatories has been disposed of.

Judge Knox's action grants the defendant film companies' request in respect to procedure in the case which they petitioned in affidavits filed with him last week.

The court's memorandum held that, "In view of the comprehensive scope of the interrogatories which the Government has served on the defendants, I think it advisable not to set a date for the beginning of the trial until I can be informed as to when the answers to the interrogatories can be given to the complainant and of the necessity of defendants as regards their further preparation for the trial. When I can be so informed," the memorandum concludes, "let the counsel for the parties then appear before me."

The defendant companies, by agreement with the Department of Justice, have until Oct. 7 to answer or make objections to the Government's 68 comprehensive interrogatories relating to the history and trade relations of the defendant corporations and their subsidiaries.

Producers, T.M.A.T. Agree on Contract

With "stalling" tactics apparently abandoned, the League of New York Theatres, composed of Broadway producers, and the Theatrical, Managers, and Treasurers Union are reported ready to sign a contract this week, probably of three years' duration and covering company managers and press agents.

Both sides did not discuss the issue of the treasurers who bolted the T.M.A.T. for the I.A.T.S.E. recently, agreeing that the problem should be settled separately.

It is indicated that a contract for the treasurers may be ultimately signed by the I.A.T.S.E., the T.M.A.T. contenting itself with agents and managers.

U. S. May Disband Trust Office Here

Semi-official reports are that Thurman W. Arnold, assistant U.S. attorney general, may disband the anti-trust office in New York within the next week.

The local anti-trust staff, including Buckley W. Henderson, New York chief, and William McGovern, his assistant, and others may be transferred to other points, one or more probably to Chicago where the federal anti-trust division may open an office.

All anti-trust litigation in the New York area will be handled by John T. Kahill, U. S. district attorney for the southern district of New York under the new setup.

Broadcasters Vote Own Music Source

CHICAGO, Sept. 17.—The National Association of Broadcasters, determined to fight what it called the "motion picture-dominated" Ascap, will organize a corporation, Broadcast Music, Inc., to build an alternative source of music for broadcasting purposes.

A resolution calling for establishment of this corporation was passed Friday during the N.A.B. convention here.

The corporation will issue 100,000 shares of stock at $1 a share. All N.A.B. members are to buy stock in

(Continued on page 6)

STUDIOS ADOPTING SHARP ECONOMIES

New Censor Setup Placed By Britain Over Newsreels

LONDON, Sept. 17.—Statements in the House of Commons Friday indicated that newsreels in England are being censored by the British Ministry of Information, instead of by the British Board of Film Censors, as originally intended.

Indications of a change in the operation of newsreel censorship came in Commons Friday when Earl Winterton, spokesman for the Lord Privy Seal, declared in answer to a question by Geoffrey Mander, that the staff of the British Board of Film Censors has been reinforced by representatives of the Ministry of Information. Winterton accepted the responsibility of his department for the security of censorship.

Considerable dissatisfaction has existed among the newsreel companies relative to the censor board's censorship, and a demand recently was made for censor operation, with respect to newsreels, by the Ministry of Information.

It was the contention of the reels that under the present circumstances newsreels should be treated as news

(Continued on page 6)

Foreign Revenue Losses Cause Production, Staff Slashes

HOLLYWOOD, Sept. 17.—Some of the major studios are clearing their decks to effect sharp economies designed to balance loss in foreign revenue resulting from the war.

Reduced shooting time and less expensive "luxury" items, including sets, are being scheduled, in addition to substantial payroll revisions. All studios seek to avoid salary cuts.

More optimistic than most executive voices heard in Hollywood is that of Louis B. Mayer, M-G-M vice-president and production chief, who has held long sessions with M-G-M producers.

Production Up to Par

After hearing reports of department heads and individual producers, it has been decided at this studio that by maintaining a constant level of production activity, instead of having a dozen films in work and then dropping to one or two, and by increased care in the preparation of product while in the script stage, economies adequate to the requirements of the situation could be effected without reducing the executive personnel or compensation.

Meanwhile, reports of M-G-M studio layoffs in lower earning brackets numbering 500 went uncontradicted.

While an unofficial count had 300 off the payroll at 20th Century-Fox, 400 dismissed at Warners, 300 at Paramount and a proportionate number at other plants, upper bracket men were being retained practically everywhere.

Go Off Fox Payroll

An exception to this is 20th Century-Fox where Lou Wertheimer, associate producer; Robert Fairbanks, construction engineer, and Aiden Roark, member of Darryl F. Zanuck's advisory staff, have gone off the payroll. Nunnally Johnson, writer and producer, has gone on half-pay basis for a six months' vacation period. About half of the reader department staff has been dismissed.

Warners, while resuming building of a $400,000 tank stage for sea pictures, have abandoned plans to expand its studio laboratory and will continue to use its eastern facilities for that work.

Lowered outlays for elaborate sets in staging spectacles is one of the economies contemplated at all studios.

(Continued on page 6)

New Regulations on Film Shipping Adopted By U. S.

WASHINGTON, Sept. 17.—New shipping regulations adopted by the U. S. Department of Commerce covering the shipment of all motion pictures and equipment to foreign markets, as well as other goods, have been disclosed here by N. D. Golden, chief, Motion Picture Division.

The following amendment to existing shipping regulations provides that all shippers' export declarations shall be filed after Oct. 1, 1939, in advance of clearance:

"Any vessel taking on cargo for a foreign port, or a port in non-contiguous territory, and all shippers' export declarations covering cargo laden on board have not been filed, may, by application to the collector of customs on Commerce Form 1378B and the execution of the bond thereon, with security approved by the collector of customs as provided in Section 4200 R.S. as amended, be granted clearance; provided, however, that during any period covered by a proclamation of the President that a state of war exists between foreign nations, no vessel shall be cleared for a foreign port until all shippers' export declarations covering cargo laden thereon have been filed with the collector."

The Assistant Collector of the Port of New York issued the following notice Sept. 7 clearing all exports clearing the Port of New York:

"Effective immediately Shipper's Ex-

(Continued on page 6)

Trade Facing Crucial Time —Silverstone

Referring to the next few months as "a crucial period for the industry," Murray Silverstone, United Artists chief executive, predicted in a statement issued over the weekend that the public will lose its preoccupation with news of the war and will make screen entertainment its first choice again.

Conceding that motion pictures, like other media, cannot escape a propagagandistic service entirely, Silverstone asserts that the propaganda of the screen "will remain on a high plane" and will be a propaganda "of spirit and of morale."

"The fact is," he states, "that there is nothing in our present civilization that can and has brought people together, at least temporarily, more effectively than the screen. The individual sitting in a theatre reacts to what he sees in pictures very much as his neighbor does."

"The next few months," he concludes, "constitute a crucial period for the industry. If we recognize, as we must and will, that we have a tremendous contribution to make, the screen will maintain the high, vital character it has been developing for the past three decades."

Delaware Undecided On Blue Laws Action

WILMINGTON, Del., Sept. 17.—Conflicting views on the advisability of a special session of the Delaware legislature to consider revision of the state's Sunday blue laws were expressed today.

J. Carl McGuigan, Democratic floor leader of the House, pointed out he had voiced objection in the legislature "to passing the buck to the 1941 session."

Governor McMullen said that the committee appointed by the legislature last month to study blue law revision should be allowed to finish its work before the legislature is convened.

Test Suit Planned On Transcriptions

Arrangements have been made whereby a test suit will be started immediately to settle the controversy which has existed for many years between the music publishers and transcription companies on electrical transcriptions used by broadcasters.

The controversy involves rate provisions under Section 1 E of the Copyright Act. Harry Fox of Music Publishers' Protective Association has advised all Thesaurus selection subscribers that restrictions on the NBC Thesaurus have been removed.

The test suit will serve to clarify the relationship between the publishers, transcription companies and the broadcasters.

'Agent' to Strand Friday

"Espionage Agent" goes into the New York Strand Friday following the current run of "The Old Maid." "Dust Be My Destiny" was originally scheduled for that date. "Dust Be My Destiny" is slated to follow "Espionage Agent."

Purely Personal

WILLIAM F. RODGERS, general sales manager of M-G-M, has moved his family from a Central Park West apartment to a home in New Rochelle.

•

FLORENCE CHAMBERLAIN, secretary to HENRY FRIEDAL, Denver branch manager for M-G-M, is visiting here. Other M-G-M visitors are JOYCE CAMEAUX of the New Orleans branch and AMY PODVIN, Minneapolis booker.

•

LOUIS PHILLIPS of the Paramount legal department left for Chicago yesterday to be on hand when Master in Chancery Eldredge hands down decisions today on numerous motions by defendants in the Government contempt action there.

•

STANTON GRIFFIS, chairman of the Paramount executive committee, and his bride, the former WHITNEY BOURNE, are scheduled to arrive in New York today from Europe on the *Washington*.

•

LILLIAN DACOSTA, secretary to AL WILKIE, Paramount publicity manager, is on vacation.

•

R. M. (BOB) SAVINI flew via TWA over the weekend for a three-week business trip to Hollywood.

•

ANNABELLA, 20th Century-Fox player and wife of TYRONE POWER, arrived yesterday from Europe on the Clipper with her mother.

•

SAMUEL CUMMINS, independent distributor, has returned from the Coast where he set up a new production company.

•

HARRY BUXBAUM, JR., son of the 20th Century-Fox Metropolitan district manager, is vacationing at Shelter Island, New York, where he had operated the Casino Open Air Theatre all Summer.

•

PHIL REISMAN, general manager of RKO's foreign department, arrives from South America today on the *Brazil*.

•

ERROL FLYNN terminates a vacation tomorrow when he leaves New York for the Coast.

•

HOWARD HILL, champion archer featured with ERROL FLYNN in a series of archery shots made by Warners, has left Hollywood for Chicago to attend the premiere of the first of the series.

•

EDWARD EVERETT HORTON winds up a tour of the strawhat circuit next week and will resume screen work at the RKO lot.

•

JOHN HODGE, assistant at the Strand, Providence, has returned from a brief visit to New York.

•

FRANK R. STITCH of the RKO home office in Providence on special exploitation work.

•

STUART WALKER, Paramount associate producer, plans a vacation by motor to last a month. He and his son, ARTHUR, will drive East, planning to spend some time in Connecticut.

•

JAMES R. GRAINGER, Republic president, left yesterday by plane for Dallas, St. Louis and Chicago. He returns next Monday.

HERMAN WOBBER, general distribution manager of 20th Century-Fox, has designated this week as DARRYL F. ZANUCK week in the S. R. KENT Drive.

•

SIDNEY KAUFMAN has returned from the South where he made a four-reel commercial film in color for the Allied Chemical Corp. It is called "The New South."

•

BERT REISMAN, RKO's manager in Peru, and MRS. REISMAN are the parents of a girl, PENELOPE MARGARET.

•

Among recent visitors here for the World's Fair were FRED CARR and family from Ardmore, Okla.; DAVE WALLERSTEIN of Chicago; JULIUS M. GORDON, general manager of the Jefferson Amusement Company in Beaumont, Texas; S. L. OAKLEY, district manager for the Jefferson Amusement Co.; TERESA TUASON, first-run exhibitor from Manila, P. I.; and HORTENSE SHAW, secretary to F. J. EWALD of the Intermountain Theatres, Inc., of Salt Lake, City, Utah.

•

EDUARDO VIVES, operator of the Rex, Cuba's only theatre playing newsreels and shorts, at Havana, is visiting here.

•

A. A. SCHUBERT, manager of exchange operations for RKO, returned to the home office Friday after a business trip to Montreal, Toronto and Buffalo.

•

Recent out-of-town visitors included MARTIN L. JUNK, Frankfort Theatre, Frankfort, O.; M. M. FIELDMAN, Langley, Chicago; NIKITAS DIPSON, Wheeling and Buffalo Theatres, Batavia, N. Y., and NICHOLAS J. BASIL, Basil Brothers Theatres, Buffalo, N. Y.

130 in Warner Club Golfing Tournament

More than 130 persons are expected to participate tomorrow in the sixth annual golf tournament of the New York Warner Club at the Glen Oaks Golf Club, Great Neck, L. I. Many prizes will be offered.

Executives attending the meet will be:

Major Albert Warner, Harold Bareford, I. F. Dolid, H. M. Doherty, S. F. Friedman, Jules Girden, John Glynn, Roy Haines, Ed Hinchy, Joseph Hummel, Saul Immerman, Barney Klawans, Stewart McDonald, Karl Macdonald, Norman Moray, T. J. Martin, Frank Phelps, Harry Rosenquest, C. C. Ryan, Harold Rodner, Leonard Schlesinger, Arthur Sachson, Herman Starr, Sam Schneider, Ed Schnitzer, Abel Vigard, Rudy Weiss, Jacob Wilk and Jack Warner, Jr.

Gradwell L. Sears will be master of ceremonies at the dinner in the evening. Jerry Keyser is chairman of the Golf Committee, which includes Harold Rodner, Gene Werner, Leonard Palumbo and Abe Kronenberg.

Writ Hits Drive-In House

MILFORD, Conn., Sept. 17—Judge O'Sullivan of Superior Court has granted an injunction against the Milford Drive-in Theatre, in the case instituted by 12 residents who complained against the noise.

Cameramen In Newsreel Pact Demands

A demand that the newsreels abolish the practice of joint coverage of special events was among a list of additional subjects advanced on Friday by Cameramen's union, Local 644, when negotiations of a new two-year contract were opened with newsreel heads and Pat Casey, producers' labor representative.

The cameramen demand that on such occasions as a Presidential address, or other similar events which commonly are covered for all reels by one crew for purposes of economy, the expenses being shared, each reel henceforth must assign its own crew. The only exception made is where Governmental regulations provide for the presence of a single cameraman only.

Similar demands entailing prohibitive costs to the reels were made in other directions. For example, the union also asks that the practice of putting one cameraman aboard a plane for air views which are later shared by all reels, be stopped. This would entail the hiring of five planes and assignment of five crews where one now suffices.

No changes were asked in the wage and hour provisions as submitted a year ago when the contract under which the cameramen are now working expired. These are an increase in the present $100 weekly minimum to $125, an increase from the present $35 daily wage to $50 daily, and a maximum of 80 hours for each two weeks period in place of the present 320 hours for an eight-week period.

The negotiations on Friday made only slight progress due to the introduction and discussion of the new demands. A second meeting has been sceduled for next Friday, entailing a postponement of Casey's plans to return to the Coast this week. Indications are that the negotiations may continue for some time.

Bloomingdale's Show

Radio Attractions' production of "Pinocchio" will be sponsored by Boomingdale's Department Store in New York, over WOR, starting Sept. 25.

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The selection of Leo, Jr., was the biggest national publicity stunt ever staged for a short subject. A nation-wide hunt by International Lions Clubs! The winner at Lions' international convention at Pittsburgh! Crowned at New York World's Fair! The flight to Hollywood to become the living symbol of M-G-M's superior short subjects.

THEY CAN'T HOLD LEO, JR.! He's roaring to go!

Here are a few of his new shorts!

WAR! ATHENIA SUNK BY SUBMARINE

ASH CAN FLEET
Exposing secrets of submarine warfare! Timely! Thrilling! Terrific! Released Sept. 9.

45,000,000 FANS AWAIT OPENING NEW GRID SEASON

FOOTBALL THRILLS OF 1938
PETE SMITH'S annual review of U. S. gridiron classics. 176 pigskin stars in 8 breath-taking games from Coast to Coast. Release date Sept. 16.

14,000,000 BOWLERS RETURN TO ALLEYS

SET 'EM UP
PETE SMITH bowls 'em over with a natural for exploitation. (Remember "Strikes and Spares"!)—Release date Sept. 30.

SAFETY GROUPS LAUNCH WAR ON DRUNK DRIVER MENACE

DRUNK DRIVING
This CRIME DOES NOT PAY shocker will save lives! 1001 Tieups! Guaranteed to top "Hit and Run Driver"! Coming soon.

'Iron Mask' Hub Winner With $44,000

BOSTON, Sept. 17.—"The Man in the Iron Mask" dualled with "Coast Guard," took a total $44,000 in nine days at Loew's Orpheum and State.

"Beau Geste" and "Quick Millions" did well with $17,000 at the Metropolitan while "In Name Only" and "Frontier Marshal" drew $15,000 at Keith Memorial in the second week.

Estimated takings for the week ending Sept. 14:

"News Is Made at Night" (20th-Fox) (3 days with vaude.)
"The Zero Hour" (Rep.) (3 days with vaude.)
"Naughty But Nice" (W. B.) (4 days)
"The Man Who Dared" (W. B.) 4 (days)
"The Warning" (last 3 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c) 2nd run. Gross: $7,500. (Average, $7,000)

"In Name Only" (RKO)
"Frontier Marshal" (20th-Fox)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $15,000. (Average, $14,500)

"Blackmail" (M-G-M)
"Everybody's Hobby" (W. B.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $7,000. (Average, $7,000)

"Blackmail" (M-G-M)
"Everybody's Hobby" (W. B.)
FENWAY — (1,382) (25c-35c-40c-55c) 7 days. Gross, $4,500. (Average, $4,500)

"Beau Geste" (Para.)
"Quick Millions" (20th-Fox)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $17,000. (Average, $14,500)

"The Man in the Iron Mask" (U. A.)
"Coast Guard" (Col.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 9 days. Gross: $25,000. (Average, 7 days, $14,500)

"The Man in the Iron Mask" (U. A.)
"Coast Guard" (Col.)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 9 days. Gross: $19,000. (Average, 7 days, $11,000)

"The Star Maker" (Para.)
"Death of a Champion" (Para.)
SCOLLAY — (2,500) (25c-35c-40c-50c) 7 days, 2nd and 3rd runs. Gross: $5,200. (Average, $4,000)

Museum Screening For Music Society

Museum of Modern Art on Friday at a luncheon held a special screening of motion pictures of musical interest for members of the International Congress of the Musicological Society. Films screened included "Adoration of the Mystic Lamb," excerpts from "A Nous la Liberte," Disney's "Three Little Pigs," in French and "Colour Box." Since it was founded in 1935, the Museum's Film Library has collected musical scores for silent films as well as compositions which have been composed for sound pictures.

The Museum has set the following pictures for screening this week: today, "The Outlaw and His Wife" and "The Story of Gosta Berling;" Tuesday, films by Louis Lumiere, "The Runaway Horse," "Fantomas" and "The Crazy Ray;" Wednesday, "Hamlet" and "The Last Laugh;" Thursday, "Greed;" Friday, "Dream of a Rarebit Fiend," "High and Dizzy" and "The Navigator," and on Saturday, "The Big Parade."

Joins CBS Publicity

George Crandall, who has for years been connected with various radio stations and with radio concert programs in managerial capacities, has joined the CBS publicity department as field representative. He left over the week-end for a tour of Eastern, Southern and Middle Western cities.

New York Review

"Betrayal"

(World Pictures)

This is strong dramatic material, one of the finer things to come from France, and offering, in the person of Annie Vernay, one who must certainly be destined for a chance at the flickering star-lights of Hollywood. She is extremely young, but likewise extremely self-possessed, poised, and appears well on the way to being a finished performer.

Produced for Nero-Chronos Films in Paris, the picture is amply equipped with subtitles in English, making for ready understanding of the French dialogue.

Fedor Ozep directed from a screenplay by Companeez and Jacoby, and imparted much of technical skill and care to the production. It is a well-turned effort, produced elaborately and handsomely.

In support of the youthful star are Pierre-Richard Willm, Suzy Prim and Roger Karl. The story concerns the attempt of a young girl to succeed to the throne held by the imperious Catherine II, Empress of Russia. Miss Vernay is guided by Karl, and Miss Prim sends her most trusted officer, and lover, Willm, to bring Miss Vernay back from Venice a prisoner. But the officer meets the girl at a carnival when neither knows the identity of the other, and they fall in love.

The officer attempts to rescue her when the Russian warship is about to leave Venice, but his officers make them both prisoners, only returning Willm's sword when they near port. When Catherine refuses Willm's plea to spare the girl, he attempts to rescue her, and the two are sentenced together. The film ends as the two, close together, go to their death. The triumph of their otherwise hopeless love in death makes more acceptable the tragedy of the concluding note.

Running time, 78 minutes. "G."* CHARLES S. AARONSON

**"G" denotes general classification.*

'Folies' Milwaukee High in Slow Week

MILWAUKEE, Sept. 17.—The "Folies Bergere" on the Riverside stage with the film, "Blind Alley," was the week's biggest grosser with $19,000. It was the only first run to do better than average.

Estimated takings for the week ending Sept. 13-14:

"Wizard of Oz" (M-G-M)
WISCONSIN—(3,200) (25c-35c-50c) 6 days, 2nd week. Gross: $4,800. (Average, $5,500)

"The Star Maker" (Para.)
"Grand Jury Secrets" (Para.)
PALACE—(2,400) (25c-35c-50c) 7 days, 2nd week. Gross: $4,000. (Average, $4,000)

"Blind Alley" (Col.)
RIVERSIDE—(2,700) (30c-40c-55c) 7 days. Stage: Folies Bergere. Gross: $19,000. (Average, $6,500)

"Stanley and Livingstone" (20th-Fox)
"When Tomorrow Comes" (RKO)
STRAND—(1,400) (25c-35c-50c) 7 days, 2nd week. Gross: $1,300. (Average, $1,500)

"The Old Maid" (W. B.)
"Everybody's Hobby" (W. B.)
WARNER—(2,400) (25c-35c-50c) 7 days, 2nd week. Gross: $4,300. (Average, $4,500)

Warners to Make New Shorts Series

HOLLYWOOD, Sept. 17.—A series of short subjects based on the Booth Tarkington character, "Penrod," will be produced by Warners for the new season. The first of the subjects will be "Penrod." The series is being written by Dean Franklin, with Gordon Hollingshead supervising.

Warners will make "Virginia City" with substantially the same cast as was used in "Dodge City," the studio made known yesterday. The new film will be in color.

Mantle on 'Star Theatre'

Burns Mantle, drama critic of the New York *Daily News,* has been signed to appear on the weekly Texaco "Star Theatre" broadcasts, to offer commentary on the plays to be produced.

Iowa Trade Notes

DES MOINES, Ia., Sept. 17.—M. A. Levy of Minneapolis, national leader for the S. R. Kent annual drive, and W. C. Gehring of New York, division manager, were in Des Moines for a joint meeting of salesmen, bookers and ad sales managers of the Omaha and Des Moines Twentieth Century-Fox exchanges.

Conrad Curtis, ad sales manager for the Paramount exchange, was recently married to Peggy Novak of Des Moines.

Grace Moore has been booked to sing at the Shrine auditorium here on Oct. 18.

The Central States Theatres' Forest theatre in Forest City, has been closed for a complete enlarging and modernizing program that calls for a new front, new lounge and rest rooms, enlarged boxoffice and redecorating.

Milo Engebritson has become manager of the Tivoli theatre at Hawarden, replacing Emerson Kennedy, who has resigned and moved to LeMars.

Trade Seeks New Japan Import Pact

Discussion of a new film import agreement with Japan has been started in Tokyo between officials of the Japanese government and industry representatives there, home office foreign departments have been advised.

At the present time, nothing of a definite nature has evolved from the discussions which concern new import quotas and regulations on remittances to American distribution companies.

Short Subject Reviews

"The City"

(World)

Produced from an original outline by Pare Lorentz, and bearing the unmistakable stamp of that artist's documentary touch, "The City" is a dramatization of the need for urban planning made necessary by the crazed rush of mechanization which has swept the American city.

Originally made for the American Institute of Planners, through Civic Films, Inc., filmed and directed by Ralph Steiner and Willard Van Dyke, and financed by a grant from the Carnegie Foundation, the film is the documentary technique at its excellent best.

Aaron Copeland's musical score enhances the effect of the whole subject, which falls into the category of the lengthy short subject, and which may well prove worthy of marquee attention on the part of the alert showman. He should have no difficulty in attracting the attention and exploitable support of the civic leaders in the showing of the film. Running time, 40 mins.

"Boy Meets Joy"

(Universal)

A varied and pleasant musical headed by Pinky Tomlin and his orchestra and comely Joy Hodges. Tomlin provides the music and Miss Hodges the singing. Outstanding is a bit of piano playing by six-year-old Mary Ruth which will catch the heart of any audience. Lucille Page does an eccentric dance, and a grandmothers' chorus, the Elderblooms, provide a vocal number. A real novelty. Running time, 17 mins.

"Filming the Navy"

(20th Century-Fox)

This is another of the Adventures of a Newsreel Cameraman series. A fleet of Navy destroyers sets out for maneuvers, the sailors combat a treacherous storm at sea and ultimately battle the "enemy." Shown are some excellent shots such as the dropping of underwater bombs and firing of the big guns. Paul Douglas' narration assumes timeliness with casual reference to the European conflict. Running time, 10 mins.

"Monkeys Is the Cwaziest People"

(20th Century-Fox)

Lew Lehr presents another of his Dribble Puss Parade shorts. The amusing antics of monkeys in various zoos are shown, with Lehr lending a hand with his wacky chatter. Should be a hit, particularly with youngsters. Running time, 10 mins.

"Vyvyan Donner's Fashion Forecast"

(20th Century-Fox)

The film displays the latest in milady's wear and will appeal to style-minded women. Producer Truman Talley has put at Vyvyan Donner's disposal lavish settings and beautiful models and has augmented it all with color. Running time, 10 mins.

'Women' $14,500 Providence Lead

PROVIDENCE, Sept. 17.—Strong attractions gave this town its best week in some time with "The Women," paired with "Trapped in the Sky," giving Loew's State a fine $14,500, "Golden Boy" and "Should Husbands Work?" garnering a fine $5,700 in the first four days at the Strand, and the Majestic's double, "The Old Maid" and "Everybody's Hobby," clicking off $8,500.

Estimated takings for the week ending Sept. 12-14:

"The Women" (M-G-M)
"Trapped in the Sky" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $14,500. (Average, $11,000)
"The Old Maid" (W. B.)
"Everybody's Hobby" (W. B.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $8,500. (Average, $7,000)
"The Star Maker" (Para.) (1st run) (4 days)
"Heritage of the Desert" (Para.) (1st run) (4 days)
"Golden Boy" (Col.) (1st run) (4 days)
"Should Husbands Work" (Rep.) (1st run) (4 days)
STRAND—(2,100) (25c-35c-50c). Gross: $9,000. (Average, 7 days, $6,000)
"I Stole a Million" (Univ.)
"Unexpected Father" (Univ.)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days. Gross: $5,000. (Average, $6,000)
"The Chicken Wagon Family" (20th-Fox)
FAY'S—(1,800) (25c-35c-40c) vaudeville, 7 days. Gross: $5,700. (Average, $6,500)
"Lady of the Tropics" (M-G-M)
"A Woman Is the Judge" (Col.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $2,400. (Average, $3,500)
"King of the Turf" (U. A.) (2nd run) (3 days)
"Clouds Over Europe" (Col.) (2nd run) (3 days)
"Four Feathers" (U. A.) (2nd run) (4 days)
"Hotel for Women" (20th-Fox) (2nd run) (4 days)
EMPIRE—(2,200) (20c-30c). Gross: $1,400. (Average, $1,800)

Theatre, Personnel Notes

Pfotenhauer in New Post

OKLAHOMA CITY, Sept. 17.—B. H. Pfotenhauer, manager of the State here, resigned this week to accept a position as manager of the Westland Theatres, Pueblo, Colo., which will be opened Sept. 22. His successor here has not been named.

Gene Curtis Transferred

GLOVERSVILLE, N. Y., Sept. 17.—Gene Curtis, for more than a year head of the Schine circuit advertising and publicity department, has been transferred to Rochester, where he will be special home office representative in Rochester, East Rochester and Fairport. His offices will be at the Riveria theatre, Rochester.

In connection with the change, Robert Quinlivan goes from the Riviera to the Avon, Watertown, N. Y., as manager. Lou Levitch continues in the post as Schine city manager in Rochester.

Plan North Carolina House

CLINTON, N. C., Sept. 17.—A new $30,000 theatre will be erected here for Clinton Theatres, Inc., according to Henry Vann, one of the principal stockholders.

Colonial Resumes Stage Shows

UTICA, N. Y., Sept. 17.—The Colonial is resuming stage presentations. An amateur contest is being run in conjunction with the vaudeville performances.

Indianapolis Lyric to Re-open

INDIANAPOLIS, Sept. 17.—The Lyric, which closed July 7 when the management refused to accede to stagehands' demands for a $5 weekly increase, will reopen Sept. 22 with Ben Bernie featured in the stage show.

Ted Nicholas will resume as manager of the 2,000-seat house; with the opening said to involve the formation of a new company backed by Nicholas, Charles Olson of the Olson Circuit, and local businessmen. The stagehands' requests are believed to have been granted.

Booker Hurt in Crash

DENVER, Sept. 17.—Severe injuries as the result of an auto accident near Montrose, Colo., sent Bob Garland, Fox Intermountain booker, to St. Luke's hospital in Denver. His car collided with a dead horse in the road.

Buys Nebraska House

DENVER, Sept. 17.—The Leroy theatre at Wallace, Neb., has been bought by Francis Cohen from Robert Lee. Cohen will take over the house Oct. 1.

Manager at Selma, Ala.

SELMA Ala., Sept. 17.—Roger C. Butler, Jr., formerly of Johnson City, Tenn., has succeeded the late Lloyd Towns as manager of the Wilby here.

Managing Knoxville House

KNOXVILLE, Tenn., Sept. 17.—Sam Davis, formerly of Selma, Ala., is the new manager of the Bijou here.

'Old Maid' Biggest Magnet at Seattle

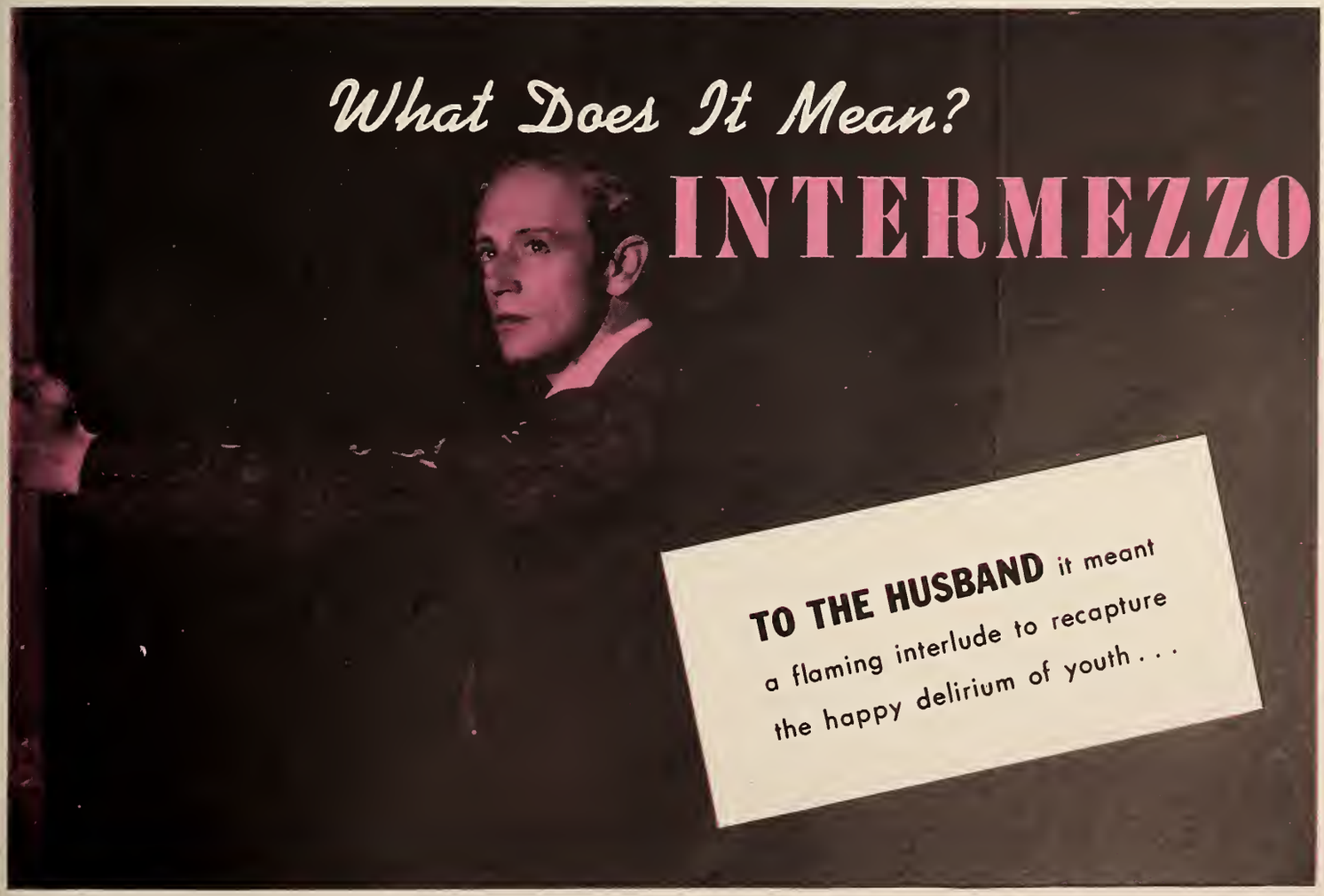
SEATTLE, Sept. 17.—"The Old Maid" flourished at the Palomar, grossing a strong $8,900. "Beau Geste" and "Night Work" at the Paramount, were good for $7,300 at the Paramount. The weather was cool.

Estimated takings for the week ending Sept. 15:

"The Star Maker" (Para.)
"They Asked for It" (M-G-M)
BLUE MOUSE—(950) (25c-30c-40c-55c) 7 days, 2nd week. Gross: $3,400. (Average, $4,000)
"Lady of the Tropics" (M-G-M)
"News Is Made at Night" (20th-Fox)
FIFTH AVENUE—(2,500) (25c-30c-40c-55c) 7 days. Gross: $7,100. (Average, $7,000)
"Golden Boy" (Col.)
LIBERTY — (1,800) (25c-30c-40c-55c) 7 days, 2nd week. Gross: $4,500. (Average, $5,000)
"Four Feathers" (U. A.)
MUSIC BOX—(950) (25c-30c-40c-55c) 7 days, 2nd week. Gross: $4,400. (Average, $5,000)
"I Stole a Million" (Para.)
"Miracles for Sale" (M-G-M)
ORPHEUM—(2,450) (25c-30c-40c) 7 days. Gross: $4,900. (Average, $6,000)
"The Old Maid" (W. B.)
PALOMAR—(1,500) (20c-30c-40c) 7 days. Gross: $8,900. (Average, $5,000)
"Beau Geste" (Para.)
"Night Work" (Para.)
PARAMOUNT — (3,050) (25c-30c-40c) 7 days. Gross: $7,300. (Average, $6,000)

Music Hall Books 3

Three new pictures have been booked to follow the current run of "Golden Boy" at the Music Hall. Films slated are RKO's "Nurse Edith Cavell," U. A.-Selznick International's "Intermezzo" and Columbia's "Mr. Smith Goes to Washington.



Fewer Large Group Deals For '40 Films

Major circuits' film deals for 1939-'40 are being negotiated on a basis of each individual situation or small groups of theatres in the same classification rather than large groups, which heretofore has been the case.

Distributing companies therefore have been delayed in closing deals with the principal circuits, because of the large amount of work entailed. As another consequence, the major distributors have not as yet approached the independent subsequent runs and neighborhoods on sales, in many situations. These are always negotiated after the big circuit deals are out of the way.

Buying Delay Not Serious

This factor has had the effect of slowing up buying in some territories. The delay has not been serious. Many subsequent runs do not start buying until late in the year, it is pointed out by sales executives.

One of the large deals currently being worked out on a more or less individual theatre basis is the M-G-M contract with National Theatres, which operates some 450 theatres. Heretofore, the circuit has grouped its theatres in about six categories.

Other M-G-M deals which have been under way for some time are with the Warner circuit, B. & K. in Chicago and the M. & J. circuit in Boston. The latter is expected to be closed within a week.

M-G-M's sales are at about the same numerical level as at this time last year, with between 50 and 55 per cent of total possibilities closed. M-G-M started 1939-'40 selling in April. The company aims to achieve the total 1938-'39 figure, which was close to 11,000 contracts, a new high.

Sales executives say the protracted negotiations over the proposed trade practice code have not delayed buying to any extent as the terms of the proposed pact were retroactive to all contracts made after Jan. 1, 1939, for 1939-'40 product.

Broadcasters Vote Own Music Source

(Continued from page 1)

the new corporation, based upon the total sum equal to half of the license fees payable to Ascap in 1937.

The new corporation will seek to tie up all available sources of music not now controlled by Ascap, and supply funds for the development of new song writers, etc. The idea is to give N.A.B. a music source which can eventually make the broadcasters independent of Ascap, or at least put them on better bargaining terms than those which exist at present.

A committee of seven was named to form the corporation and serve as the board of directors until N.A.B.'s Spring meeting. It includes Neville Miller as president and Everett R. Revercomb as acting secretary-treasurer.

Other members are Walter Damm, representing newspaper-owned stations; John Elmer, independent stations; Edward Klauber, CBS; Lenox Lohr, NBC; Samuel Rosenbaum, I.R.N.A., and John Shepard III, regional broadcasting stations.

Hollywood Reviews

"Kid Nightingale"

(Warners)

HOLLYWOOD, Sept. 17.—A rollicking farce of the prize fight game, with its chief character a boxer who fights so that he may sing, is "Kid Nightingale," a lively feature teaming John Payne and Jane Wyman.

It's rich in comedy dialogue and situations and is designed to make an audience forget itself for the 58 minutes required to tell the story.

George Amy, former film editor, drew the picture as his first directorial assignment and paced it neatly to get maximum value out of the terse screenplay of Charles Belden and Raymond Schrock, who adapted Lee Katz' story. Mark Hellinger was Bryan Foy's associate producer.

Supporting Payne and Miss Wyman are Walter Catlett, Ed Brophy, Charles D. Brown, Max Hoffman, John Ridgely, Harry Burns, William Haade, Helen Troy, Winifred Harris, Lee Phelps and Frankie Van.

Catlett, a fly-by-night promoter, picks up Payne and attempts to make him into a boxer. Payne wants to be a singer, but upon promises of lessons from a great coach, agrees. He is sent barnstorming about the country, knocking over "setups" in a campaign that interests many women. In the finale, the tricks of his managers are exposed, Payne wins the championship and deserts the fight game for singing.

Running time, 58 minutes. "G."* VANCE KING

"Call a Messenger"

(Universal)

HOLLYWOOD, Sept. 17.—Featuring two Dead End Kids and four Little Tough Guys supported by such staple personnel as Robert Armstrong, Victor Jory, Mary Carlisle, Anne Nagel, El Brendel and Larry Crabbe, this plausible and pleasant comedy drama based on the messenger service stacks up as satisfactory entertainment for practically all purposes. It strives for no tremendous heights of melodramatic or emotional power and seeks to prove no greater point than that paid employment is the best tonic for a bad boy, yet in its very restraint in these directions it achieves an effectiveness beyond that commonly attained by determined underscoring.

The screenplay by Arthur T. Horman, based on a story by Sally Sandlin and Michel Kraike, opens with Billy Halop leading a band of youthful ruffians in an attempted burglary interrupted by police. Halop is captured and offered a choice of going to work as a messenger boy or to reform school. He accepts the job as a lesser evil but follows it to the ultimate similar employment of his ruffianly associates, redemption of his criminal elder brother and similar benefits for all.

Associate producer Ken Goldsmith and art director Jack Otterson have given the picture thoroughly adequate mounting and director Arthur Luzin has made it a smoothly running, evenly paced narrative.

Running time, 60 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

New Regulations For Film Shipping

(Continued from page 1)

port Declarations, Customs Form 7525 (identical with Commerce Form 7525) will be filed in triplicate instead of duplicate as heretofore.

"All cargo must be laden under the supervision of Customs officers. It is, therefore, essential that export declarations must be received by the inspectors prior to the lading of the packages.

"The triplicate copy will be used as a notice of shipment to the lading inspector and will be transmitted to him by a Customs messenger.

Robert Poole Elected

LOS ANGELES, Sept. 17.—Robert H. Poole has been elevated to the position of executive director of the Independent Theatre Owners of Southern California and Arizona. Practically the entire old board has been re-elected.

Run of Four Weeks Set for 'Rains Came'

"The Rains Came" is set at the Roxy for a run of four weeks, and may go longer. The first week's gross was $81,800, with an attendance of 153,956. This is better than any week's business at the Roxy in recent years, except the first week of "Alexander's Ragtime Band," which did $87,000, and $6,000 over "Jesse James."

W.B. Closes Shea Deal

The M. A. Shea Circuit has closed with Warners-First National for the entire 1939-'40 schedule of features, shorts and trailers. The deal covers the 42 Shea houses in New York, Pennsylvania, Ohio, Massachusetts, New Hampshire and Rhode Island. Roy Haines, eastern and Canadian sales manager, acted for Warners and Dick Kearney for the circuit.

Big Economy Drive Begins In Hollywood

(Continued from page 1)

and some planned spectacle sequences may be abandoned.

Shortening of shooting schedules is being counted on by some of the companies. Under contemplation is that thirty-day schedules are to come down to 24; 24-day shooting periods to 18, and 18-day assignments to 12. It is reasoned that little can be accomplished below that figure.

Unaffected thus far is RKO, the studio awaiting instructions from George J. Schaefer, president. Changes in RKO operating plans would entail separate operations due to the number of unit production setups arranged by Schaefer and controllable only by him.

Postponements of heavy production projects are numerous, indicating watchful waiting. Paramount has deferred "Sea of Grass" to some time in the future.

Fox Retrenchment Chiefly at Studio

Average gross of 20th Century-Fox in England before the war was $200,000 weekly, and in France about $50,000 weekly.

The company has been grossing between $28,000 and $30,000 weekly in Germany, where the German edition of Movietone News is a considerable revenue producer. In that country, 20th Century-Fox has been releasing 12 top features a year, and for the current season scheduled the release of six features from Aug. 1 to Dec. 31.

It is on the basis that this revenue will be impaired that 20th Century-Fox has ordered retrenchment. It has affected chiefly the studio, where employes who were found to be unnecessary or who had been duplicating work were checked off the payroll. The home office has not been greatly affected. The layoffs here will not exceed 50, and they include mostly employes who had been hired since Jan. 1 this year.

It is reported that 20th Century-Fox executives paid more than $1,000 weekly have accepted a 10 per cent cut.

New Censor Setup Affects Newsreels

(Continued from page 1)

and not as motion pictures.

The reopening of London theatres today was welcomed by the public, with reasonably good business apparent in the West End.

With the return to their Wardour Street (film row) headquarters in London from outlying temporary spots, distributors are announcing the resumption of trade showings.

Further notable concessions were made for London film houses relative to Sunday openings, and effective today. West End film theatres, previously opening at 5:30 P. M., may start their performances at 2:30, remaining open until 6 P. M. The remainder of the houses in the London area may be open from 5 to 10 P. M. only.

The Government concession means considerable commercial advantage to the West End houses. It is calculated that some of them may be able to gross as much as $5,000 on a Sunday afternoon.

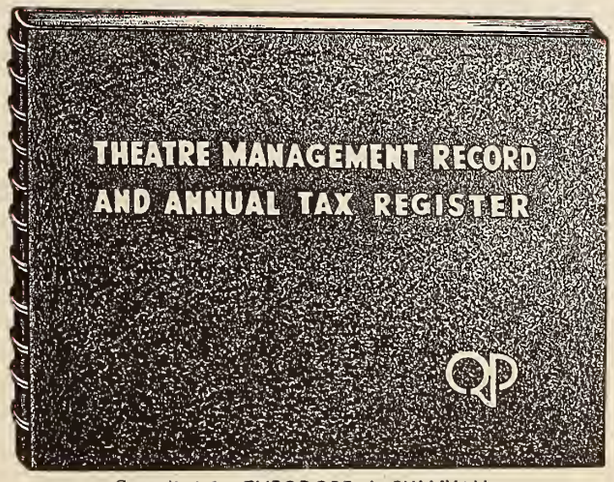
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'Maid' Gets Cincinnati's Best Gross

CINCINNATI, Sept. 17.—"The Old Maid" was the top grosser with $16,700 at the RKO Albee. "The Women" grossed a big $6,800 on its second downtown week at Keith's. Weather was the hottest on record for September.

Estimated takings for the week ending Sept. 13-16:

"The Old Maid" (F. N.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $16,700. (Average, $12,000)
"Golden Boy" (Col.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $9,500. (Average, $10,000)
"The Adventures of Sherlock Holmes" (20th-Fox)
RKO SHUBERT—(2,150) (35c-42c) 7 days. Gross: $5,200. (Average, $10,000)
"The Wizard of Oz" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 3rd week. Gross: $5,200. (Average, $6,500)
"Man in the Iron Mask" (U. A.)
RKO LYRIC—(1,400) (25c-40c) 7 days, 2nd week. Gross: $3,700. (Average, $5,000)
"Unexpected Father" (Univ.)
"Bad Lands" (RKO)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: $1,100. (Average, $1,500)
"Career" (RKO)
"Colorado Sunset" (Republic)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: $900. (Average, $900)
"The Women" (M-G-M)
KEITH'S—(1,500) (30c-40c) 7 days, 2nd week. Gross: $6,800. (Average, $6,000)

Theatres in Canada Will Aid Red Cross

TORONTO, Sept. 17. — Following a conference presided over by Lord Tweedsmuir, Governor General of Canada, official announcement was made of the appointment of Col. John A. Cooper, president of the Motion Picture Distributors of Canada, as vice-chairman of the War Organization Council of the Canadian Red Cross Society. In connection with an early drive for funds, the Society is expected to mobilize the co-operation of theatres across Canada for patriotic and charity purposes and for the providing of entertainment for the troops. Norman Sommerville, a Toronto lawyer, is chairman of the Red Cross war organization.

General Mills Sets Three CBS Series

General Mills is returning to the CBS network with three series of programs. Starting Oct. 9, the company will sponsor a program of Kathleen Norris dramatizations, 5 to 5:15 P.M., Mondays through Fridays. "Billy and Betty" is to be broadcast from 5:15 to 5:30 P.M. for the East; and in the same period, "Caroline's Golden Store" will be broadcast to the West Coast.

Kennedy to WLW-WSAI

CINCINNATI, Sept. 17.—Paul Kennedy, radio editor of the *Cincinnati Post*, which operates WCPO, Scripps-Howard affiliate, has joined WLW-WSAI, where he will do a twice weekly program of radio, amusement and similar comment.

Study Release Prints

HOLLYWOOD, Sept. 17. — The Research Council of the Academy of Motion Picture Arts and Sciences has named a committee, of which S. J. Twining of Columbia is chairman, to consider possible revisions of the specifications for the standard release print leader.

Odeon London Deal Ready for Signing; Griffis Is Due Today

Reopening of London theatres may permit closing of the deal by which Odeon is to take over operation of Paramount's 14 London theatres under an agreement brought to a final stage by Stanton Griffis, chairman of the Paramount executive committee, just prior to the outbreak of war in Europe.

Beginning of hostilities with its accompanying closing of British theatres left the negotiators with an unsigned agreement, inasmuch as it was recognized that the deal could not be consummated while the theatres remained closed. Efforts have been made to work out a formula under which rents in the theatres would be waived by Paramount while the theatres remained closed. Presumably, this will be simplified as a result of the reopening regulations. The deal may be formally closed soon.

Griffis is scheduled to arrive in New York from London today on the *Washington*.

'Harvest' Approved; Censors Overruled

ALBANY, Sept. 17.—The five-member reviewing committee of the Board of Regents of New York State on Friday handed down a decision approving in its entirety and without a single deletion the French film, "The Harvest," which had been banned as immoral by the New York state censor board.

The French Cinema Center, Inc., which is distributing the picture in this country, took an appeal to the Board of Regents from the censor board's recent ban on the film. This is known to be one of the first occasions since the Board of Regents became New York State's first line of appeal from censor decisions, that the censor has been overruled so emphatically.

'Old Maid' Scores Big $7,200, Omaha

OMAHA, Sept. 17.—"The Old Maid," dualled with "Way Down South," took a smash $7,200 at the Brandeis.

Estimated takings for the week ending Sept. 13-14:

"The Old Maid" (W. B.)
"Way Down South" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $7,200. (Average, $4,000)
"The Man in the Iron Mask" (U. A.)
"Million Dollar Legs" (Para.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $6,600. (Average, $6,000)
"Hotel for Women" (20th-Fox)
ORPHEUM—(3,000) (35c-55c). Stage show: Count Berni Vici. 7 days. Gross: $13,500. (Average, $13,500)

Televised Football

NBC has been experimentally televising the practice sessions of the gridiron teams of Columbia and Fordham univerities, with what unbiased reporters are calling "sensational results."

It is expected, in consequence, that the networks will present the most important of the New York games via television this Fall.

Philadelphia Asks Television Permit

Philadelphia, Sept. 17.—The WCAU Broadcasting Company today filed application with the Federal Communication Commission for permission to construct a television transmitter in Philadelphia.

U. S. Films Seeking Relief from Triple Argentine Taxation

Some relief from the triple taxation burden imposed upon American producing and distributing organizations by Argentina is hoped for through the medium of the trade treaty which the U. S. State Department is now negotiating with Argentina, it was learned over the weekend.

American companies have opposed taxes as unreasonable and discriminatory, and pending a determination of their objections have withheld payment. As a result, approximately $1,000,000 in accrued taxes is involved in the current negotiations.

A delegation representing American distributors was named recently to confer with State Department officials in Washington and were advised that every effort would be made to employ the good graces of the Department on behalf of the film companies during the negotiation of the trade treaty with Argentina. However, it was stated that no formal representations in the matter would be made.

Official quarters feel that Argentina may be more amenable to American trade influences as a result of the European situation. The British blockade of Germany has virtually ended Argentina's trade with what has heretofore been one of its best customers, thus, presumably, vastly increasing the importance to Argentina of the American market.

Features of the Argentine taxes which American distributing companies believe it is most important to eliminate, are dual taxes on a distributor levied on the theory that he comprises a partnership with the producer who, they hold, must also pay; customs levies on the business done by films in the Argentine rather than on their import value, and taxes levied on producers-distributors on the basis of unique definitions of non-resident industries.

Taft to Manage WKRC

CINCINNATI, Sept. 17.—Hulbert Taft, Jr., whose father is publisher of the *Times-Star*, will be manager of WKRC, which the paper acquired through recent purchase. Until the sale is approved by the F. C. C., now believed to require about 60 days longer, the station will continue under CBS sponsorship, although CBS programs will switch on Sept. 24 to WCKY; now an NBC basic Blue.

Judy Garland with Hope

Judy Garland will appear with Bob Hope in the new Pepsodent show which will return to the air tomorrow at 10 P. M. over the NBC-Red.

Hearings Set On Broadcast Power Pleas

WASHINGTON, Sept. 17.—The Federal Communications Commission today announced its calendar of broadcast hearings for the current week as follows:

Sept. 19: Application of Frank T. Sherer Co., Inc., for a new 1200-kilocycle station at Worcester, Mass., with 100 watts power night, 250 watts day.

Sept. 21: Applications of Spartanburg Advertising Co. for a 1370-kilocycle station at Spartanburg, S. C., with 100 watts night, 250 watts day; Brown County Broadcasting Co. for a 990-kilocycle, 1,000-watt day station at Brownwood, Tex., and Station KRRV, Sherman, Tex., for change of frequency from 1310 to 880 kilocycles, extension of time from day to unlimited and increase of power from 250 to 1,000 watts.

Sept. 22: Application of Clarence H. Frey and Robert O. Greever for a 1200-kilocycles, 100-watt daytime station at Logan, W. Va.

The commission also announced that it had tentatively set Oct. 9 for hearings on the applications of Mayflower Broadcasting Corp. for a 1410-kilocycle station at Boston, Mass., with 500 watts night, 1,000 watts day, using the facilities of Station WAAB, and Harold Thomas for a 1310-kilocycle station at Bridgeport, Conn., with 100 watts night, 250 watts day, and on Oct. 17 would hear the application of the Las Vegas Broadcasting Co., Inc., for a 1420-kilocycle station at Las Vegas, N. M., with 100 watts night, 250 watts day.

Applications for authority to construct three new broadcasting stations have been filed by the Paducah Broadcasting Co., Inc., planning a 1200-kilocycle, 250-watt station at Hopkinsville, Ky.; Jack Hazard, seeking a 1430-kilocycle, 500-watt station at San Diego, Cal., and the Mollin Investment Co., planning a 1390-kilocycle, 500-watt daytime station at Riverside, Cal.

Applications also were received from Stations KFH, Wichita, Kans., asking an increase of night power from 1,000 to 5,000 watts; and KWJB, Globe, Ariz.; KPLT, Paris, Tex., and KGKB, Tyler, Tex., asking an increase in night power from 100 to 250 watts.

Comedy Called Best Radio Entertainment

DES MOINES, Ia., Sept. 17.—A survey made by WHO to learn the type of programs their listeners wanted for Fall and Winter indicates that good comedy ranks first with their public. Programs telling how to get a job, how to keep it, and how to get a better one placed second. More good music came third. More good detective stories were fourth in demand. Daytime programs telling how to do things came in fifth.

Trout in New Series

Bob Trout, CBS public events broadcaster, has inaugurated a regular Saturday program series over WABC, from 9:45 to 10 P. M. The news broadcasts are sponsored by the Dodge division of Chrysler Corp.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 55 NEW YORK, TUESDAY, SEPTEMBER 19, 1939 TEN CENTS

Films Show First Actual War Scenes

Paramount Wins Scoop; Material Censored

First action shots of the European war were received by Paramount News late Sunday night and shown on Broadway at 1:30 P. M. yesterday afternoon.

The material ran about 1,250 feet and consisted of censored material of German and Polish origin. The shipment was made by the trans-Atlantic flying boat *Caribou* to Montreal and by special plane from Montreal to Newark, arriving in New York in time for preparation of a special release.

The Embassy Newsreel theatre was the first to show the film yesterday afternoon. The house was packed and standees crowded the rear of the auditorium but there was no demonstration of any kind during the showing of the first action film of the war to reach America.

The footage included shots of the German training ship, *Schleswig-Holstein*, bombarding Westerplatte fort in Danzig at close range, which were probably the most outstanding pictures in the release. The bulk of the material is confined to shots of the German army on the march in Poland and incidental action attendant upon occupation of Polish cities and villages by the enemy. The Polish material included considerable footage on ruins following air raids, a German plane which had been brought down and an earth mound purported to be the grave of the pilot. The Polish shots were obtained by Cameramen John Dored and Harrison of the Paramount staff and were passed by the Polish censor.

Some German material depicted

(Continued on page 2)

Producer Contracts Slow on Broadway

Legitimate stage producers are having slow going in their efforts to establish contractual relationships with unions involved in production, according to James F. Reilly, executive secretary of the League of New York Theatres.

Reilly points out that an unusual situation is presented with the League waiting for a decision from Actors Equity, instead of Equity waiting for the League.

A meeting today with Stagehands

(Continued on page 4)

Ontario May Vote Amusement Taxes

Toronto, Sept. 18.—Reliable sources indicate that the Ontario Government is seriously considering the restoration of the amusement tax as a war measure.

A special session of the Ontario legislature has been called to open at Toronto tomorrow, when the Provincial Government's proposals will be presented for rapid action. One of these may authorize a war tax on admission tickets, such as was done for the first time in 1916. There has been no amusement tax in Ontario for three years.

Canada's New Rules Restrict Exchanges

TORONTO, Sept. 18.—Control of international exchange and trade has been effected by Order-in-Council of the Canadian Government in the creation of the Foreign Exchange Control Board, with Graham Towers, Governor of the Bank of Canada, as chairman. Provisions of the new regulations have a direct effect upon the film distributors and theatre supply houses in the Dominion.

Cash payments in excess of $100 in any month either to or from the United States are now permitted only by license to be issued by authorized representatives of the board who are recognized banks and postmasters and, in some instances, customs officers.

Foreign exchange activities are to be in keeping with normal commer-

(Continued on page 2)

'BIG 5' BACKS CIO IN STUDIO BALLOT

No Defense Offered By B-K and Majors

CHICAGO, Sept. 18.—Trial of the Government suit against Balaban & Katz and major companies was concluded suddenly today when Robert Golding, defense counsel, rested the defendants' case without offering any testimony.

Time until Dec. 2 was granted for the filing of briefs, and oral argument on the law and facts may take place before Master-in-Chancery Edgar Eldredge thereafter.

Golding pointed out that the Government, by waiving its charge of conspiracy, had reduced the case to an interpretation of the consent decree. Such interpretation, Golding said, would decide the case, thus making defense testimony unnecessary.

The Government was granted 30 days to submit its findings of fact, conclusions of law, and supporting briefs. The defense will have 30 days after receipt of these papers to serve the findings and conclusions. The Government will then have an additional 15 days for preparation of reply briefs. If oral argument is then found necessary, Master Eldredge will set a date for a hearing.

One Government witness, Sam Myers, an independent exhibitor, will be recalled tomorrow to correct testimony he gave several weeks ago regarding the release of films.

Screen Directors, Writers Guilds Aid in Battle Against I.A.T.S.E

HOLLYWOOD, Sept. 18.—The "Big Five," organizations unaffiliated with organized labor and including the Screen Directors and Screen Writers Guilds, today went on record as favoring the CIO-financed United Studio Technicians Guild over the I.A.T.S.E. in Wednesday's collective bargaining agency election.

The organizations, in local advertisements, declared:

"To studio technicians: We urge you to vote Wednesday for honest unionism and self rule. Your decision will end dictatorship in Hollywood and will bring real trade union democracy.

"This secret ballot election is truly your chance of a lifetime. Many Guilds in Hollywood are free from emergency control, international control and have obtained excellent collective bargaining contracts. We know that you can do likewise.

"A victory for United Studio Technicians Guild means that all Guilds and crafts can be voluntarily united in a motion picture Council, thus realizing a major goal of Hollywood labor and winning better conditions for all."

The "Big Five" who signed the advertisement are Screen Set Designers, Screen Directors Guild, Screen Publicists Guild, Art Directors Guild and Screen Writers Guild.

Wednesday's election will involve 7,500 studio workers. The election is

(Continued on page 4)

"Babes in Arms"

[Metro-Goldwyn-Mayer]

HOLLYWOOD, Sept. 18.—"Babes in Arms" as screen entertainment is nothing short of sensational. It has everything that makes for enjoyment by class-mass, old-young, rural-urban and all in-between divisions of film goers. It is a picture that every showman will be happy to play and every audience will be happy to see.

Mickey Rooney and Judy Garland have the principal roles in the musical comedy, teamed for the first time since the record-smashing "Love Finds Andy Hardy." The story is from the Rodgers and Hart Broadway hit of the same name. Rooney, No. 4 box-office star in the *Fame* exhibitors' poll of 1938-'39, is given many opportunities to prove his mimic abilities, and he does his best job to date, the "Andy Hardy" roles notwithstanding. Miss Garland, whose latest appearance was in "The Wizard of Oz," is an able partner.

The story concerns the death of vaudeville due to the birth of sound. Thrown out of work, a troupe of vaudevillians attempt a comeback and

(Continued on page 18)

Odeon Deal Stopped By War, Says Griffis

Deal for Odeon Circuit's acquisition of Paramount's 14 London theatres has been postponed by the war, probably indefinitely, Stanton Griffis, chairman of the Paramount executive committee, reported on his return yesterday on the *Washington*.

Griffis negotiated final stages of the deal just before the outbreak of war, then went to France with his bride, Whitney Bourne. He said he did not know for how long a period consummation of the deal has been postponed by Odeon, but Barney Balaban, Paramount president, who met Griffis at

(Continued on page 3)

Films Show First Actual War Scenes

(Continued from page 1)

bombers taking off and action shots of the air of the release of bombs with subsequent explosions recorded.

The reel states plainly that the German material originated with official German sources and that no uncensored shots are shown. The reel states that the material was passed by the British censors also.

A. J. Richard, Paramount News editor, said: "Obviously, we can give no assurances that these pictures tell all the story. They are, however, presented as the first authentic battle pictures."

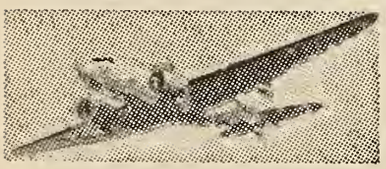
Richard said that prints of the special issue were shipped by air yesterday to all exhibitor accounts of the reel.

Other reels received several thousand feet of war film on the *Washington,* which arrived in New York late yesterday. The material, mostly from France, will be included in the regular midweek issues being shipped tonight and tomorrow.

Russell Muth, European director for Movietone News, plans to return to Paris on the *Washington,* which is scheduled to sail tomorrow. Bonney Powell, Movietone cameraman, will sail with him if he receives a French visa in time. Powell organized Movietone's coverage of the Sino-Japanese war.

Gerald Sanger, Movietone News editor in England, has been called to service and is awaiting assignment to active duty.

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LOS ANGELES or SAN FRANCISCO—Overnight via TWA's Skysleeper! Leave at 5:30 p.m.—fly the fastest route to the Coast—arrive in either city after breakfast.....$149.95

KANSAS CITY—New Daily afternoon service—Leave at 1:00 p.m.—arrive in Kansas City at 8:15 p.m.....$66.45

CHICAGO—4 hrs. 35 min.! New Daily "Commuter Air Service" to Chicago—8 flights a day (2 Nonstop).....$44.95

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SHORTEST, FASTEST COAST-TO-COAST

Purely Personal

ROBERT T. KANE, in charge of British production for 20th Century-Fox, has returned from studio conferences. He plans to leave for England on the *Clipper* Sept. 30.

•

ANN SHERIDAN will undertake a personal appearance tour, beginning Oct. 5 at the New York Strand, coincidentally with the opening there of Warners' "Dust Be My Destiny." After two weeks there, she will appear in Philadelphia, Washington and Pittsburgh. She is due in New York Sept. 27, following a stop in Chicago.

•

WILLIAM SCULLY, BILL SNYDER, HARRY BUCKLEY, ERIC POMMER, ERNEST EMERLING, ARTHUR W. KELLY, BUDD ROGERS, OSCAR DOOB, J. J. MURDOCK, ARTHUR SCHWARTZ, NICK GRINDE, SAM SHAIN and SAM CITRIN among those lunching at BOB GOLDSTEIN'S Tavern yesterday.

•

JACKIE COOGAN and JAMES CROSS, dancer, arrived in New York from the Coast yesterday on the TWA *Skychief,* to appear in George Abbott's Broadway production of "What a Life."

•

ANNA NEAGLE and HERBERT WILCOX will make a personal appearance at the RKO Palace in Columbus, in connection with the opening of "Nurse Edith Cavell" tomorrow night.

•

LOYD L. LIND, assistant to GEORGE W. WEEKS, Monogram general sales manager, is mourning the death of his father, LAWRENCE O. LIND, at Westport on Sunday.

•

BUD HARRIS, chief projectionist for United Detroit Theatres, Inc., has returned to work after an illness of several weeks.

•

H. J. YATES, president of Consolidated Film Industries, leaves for the Coast tonight by plane.

•

GEORGE BARRY, of the Paramount legal staff, left yesterday for a two-week vacation.

•

JACK SCHAINDLIN has engaged WILLIAM MOORE as associate composer and arranger.

•

JOHN MACGUIRE, former Broadway stage player, is now working for Paramount.

•

MARTIN WAGNER of the William Morris office has returned from the coast.

•

MARGARET SULLAVAN left for Hollywood on the TWA *Skychief* yesterday.

•

EDDIE DUCHIN flew to Hollywood Sunday on the TWA *Skychief.*

•

COLE PORTER is at the Waldorf-Astoria for the Winter.

•

GENE FOWLER has arrived on the Coast from New York.

COL. WILLIAM J. DONOVAN, of counsel to RKO; NEVILLE MILLER, president of the National Association of Broadcasters, and MAXWELL ANDERSON, playwright, are among sponsors of the National Conference on Civil Liberties, to be held at the Hotel Biltmore Oct. 13.

•

JACK SEGAL and ARNOLD PICKER, of Columbia's home office foreign department, leave today for Havana by plane to join Foreign Manager J. A. McCONVILLE and CHARLES ROBERTS for the first of the two Latin American conventions being held by the company.

•

L. J. LUDWIG of Minnesota Amusement Co. is in New York from Minneapolis for Paramount home office conferences.

•

SAM STERN has resigned from the art department of 20th Century-Fox to join the Kayton-Spero Agency.

•

SOL LESSER, in the East for the past three weeks left New York yesterday for the Coast.

•

J. H. HOFFBERG has returned to his desk after a seven-week business trip to Hollywood.

•

GEORGE J. SCHAEFER, RKO president, plans to leave for the Coast on Friday.

For Lunch, Dinner or Supper
LaHIFF'S TAVERN
The Industry's
MEETING and EATING PLACE
156 W. 48th St. Tel. CHickering 4-4200

Bellman in Buffalo Post for Republic

Jack Bellman, Eastern district manager for Republic, has been assigned as manager of the Buffalo branch in the first move of a realignment whereby the company's six district managers will be given branch or home office assignments.

The Buffalo office recently was taken over by Republic from the franchise owner and is one of five operated directly by the company. Nat Marcus, who has been manager in Buffalo, returns to the sales staff.

Under the new setup, franchise owners will handle and approve sales themselves, without supervision or assistance from district managers.

District managers, who are due in New York this week for home office conferences, besides Bellman include Max Roth, Chicago; William Benjamin, St. Louis; Grover C. Parsons, San Francisco; Harry LaVine, Philadelphia, and Clair Hilgers, Atlanta.

Four Win Ward Prizes

Four exhibitors have been awarded $50 each by the Ward Baking Co. as prizes for the best displays in connection with Warners' "Jane Arden" films. The winners are H. C. Rhyan, Times Theatre, Waukegan, Ill.; Ben Greenberg, Stadium, Woonsocket, R. I.; Julius Lamm, Uptown, Cleveland, and J. B. Shuman, Empress, Jacksonville, Fla.

Perez Building House

Luis Enrique Perez, Republic distributor in Venezuela, who is now in New York, has under construction a theatre in Caracas, to be known as the Cinelandia. It will seat 1,000 and will open in January with a Republic picture.

New Canada Restrictions On Exchanges

(Continued from page 1)

cial transactions and there is an implied decision to curb unusually large payments to head offices or others located outside of Canada, provision being made for heavy fines and imprisonment for subversive methods.

Licenses for import or export of all goods and merchandise, as well as securities, can be done only under official permits when transactions exceed $100 in any month, while parcels to be mailed across the border must be submitted to the local post office. If they are placed in a post box, the articles are subject to seizure. Provision is made for the receipt of salaries, commissions or similar claims and limited traveling expenses from a foreign head office through an authorized representative of the Foreign Exchange Control Board.

Restrictions Upon Travelers

Travelers into Canada may bring an automobile, goods to the value of $100 and cash up to a similar amount but cannot take out larger quantities or amounts in any one month except when such excesses are formally declared. No Canadian resident may transfer a sum in excess of $100 per month or foreign securities to a non-resident without a permit. Residents who own more than $1,000 in foreign securities on any stock not exclusively payable in Canadian dollars must make a declaration of their holdings.

The new regulations place an immediate obstacle in the payment of excess funds by a Canadian film distributor or theatre company to a head office operating in the United States or any other country, with the exception of Newfoundland.

Open Pix in November

Brandt circuit plans to open the new Pix Theatre, on 42nd St. between Sixth and Seventh Aves., in November or December. It will seat about 850. A contract has been signed for RCA Photophone equipment. Policy of the house has not been decided.

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Ascap Chief Leads Battle In Nebraska

LINCOLN, Sept. 18.—President Gene Buck of Ascap was the principal witness in Federal court here today as Ascap sought to have declared unconstitutional a Nebraska law passed by the 1937 Legislature which outlaws associations of composers and authors which seek to collect royalties.

Under questioning by Louis Frohlich, New York Ascap lawyer, Buck told of the creation in 1914 of Ascap. He told of the fight to get the Motion Picture Exhibitors Association, cabaret operators and phonograph companies to pay royalties to composers and authors, who, before 1914, seldom collected a cent for their efforts.

Part of his testimony was to show that the various users had continually tried to get amendments to the Copyright laws to prevent their having to pay Ascap. Broadcasting, he testified, has been the latest inroad of a mechanized world into the musician's life. He said radio had cut music sales 70 per cent and cut the life of a hit tune from two years to six weeks.

He testified that Ascap has collected from 391 Nebraska users $68,789 in 1938, $54,474 in 1937 and up to June 1, 1939, over $38,000. He said it would take a dozen lawyers, "fighting tooth and nail," to collect the same royalties if Ascap was inoperative in Nebraska.

Before testimony began, the 15 lawyers and other interested parties convened with the judges. It was decided that jurisdictional matters could be stipulated and the main question would be whether Ascap is an organization within the definition of the law in question, whether it is a monopoly and if so whether or not the law outlawing it is constitutional.

Aiding William J. Holtz, Omaha, special state's attorney, was Andrew Bennett of Washington, D. C., counsel for the National Association of Broadcasters and former Special U. S. Attorney in charge of the now dormant anti-monopoly suit against Ascap.

Others who testified briefly were T. J. Tepoel of Omaha for Ascap, Herman Finkelstein, New York attorney for Ascap, and John Riddell, Assistant Attorney General, for the state.

Vick Buys Program

"Confidentially Yours," assembled and written by Transradio Press Service, and presented as a sustaining feature over WOR, has been purchased by the Vick Chemical Co.

Warners Will Add Historical Shorts

Hollywood, Sept. 18.—Warners plan to increase its program of historical shorts for the new season. Extent of the increase in the two-reelers will be determined next month when Norman H. Moray, Vitaphone sales manager, arrives from New York for conferences. The present schedule calls for six in color.

Insider's Outlook

By SAM SHAIN

THERE'S NO WAR over here. This is the time to build goodwill here—not cut it down, what with the code and anti-trust suits.

COLUMBIA PICTURES marks its 15th year with the release of Frank Capra's "Mr. Smith Goes to Washington." In this connection, the company is distributing a handsome pictorial manual on the film, containing production pictures and personality photographs, besides a sketch on Capra, written by Terry Ramsaye, editor of *Motion Picture Herald.*

PARAMOUNT HAS WON the race to bring in from abroad the first battle scenes of the European conflict. The shots were received here Sunday night, by plane, and yesterday afternoon were on view in newsreel theatres. They have been shipped by plane to key spots. A definite scoop.

AT THE ROXY with Morris Kinzler to see Vyvyan Donner's interesting "Fashion Forecast," in color. Beautiful girls in beautiful clothes and bedecked with jewelry—a sight to entrance women customers and make men apprehensive about their pocketbooks.

CHARLES KURZMAN, at Loew's Penn, in Pittsburgh, can testify that women sometimes pay—at the boxoffice. In connection with M-G-M's "The Women," Kurzman engineered a special midnight show, advertised "for women payers only."

Only the women were permitted to purchase tickets—and 1,400 of them paid their way in. Kurzman's idea got plenty of newspaper space, too.

OVER the weekend—tennis with Senator Edwin L. Weisl, Jr.—a coming champ, riding in Central Park, with Ben Washer—which a tight boot nearly wrecked. Henry Ginsberg, please note. That's what comes of an extended layoff.

In Rockefeller Center—U. S. Senator James J. Davis, of Pennsylvania, admiring sights.

"Does all this belong to Rockefeller?" he asks.

"Oh, yes."

"Hmmm-mm, just a poor lad trying to get along."

THOSE reports about Bill Hebert leaving Selznick-International are strictly offside.

Ban 'Beau Geste' In Ontario Again

TORONTO, Sept. 18.—Once more bookings of "Beau Geste" in Ontario have been cancelled, and it is understood that further pressure has been brought to bear on the Ontario Government for withdrawal of the feature, which deals with the French Foreign Legion. The feature was recalled by the provincial censor board just prior to its scheduled Canadian premiere on Sept. 4, but was passed by the Appeal Board, headed by Premier M. F. Hepburn, after further revision as requested by a representative of the French Government.

Another opening date in Toronto was set but this was cancelled with the intimation that the picture was not available. The Government has withheld any further announcements regarding the fate of "Beau Geste" which, incidentally, has been permanently banned by the Quebec Board of Moving Picture Censors.

Gary Suit Due in October

CHICAGO, Sept. 18.—The suit of Gary Theatre Corp. against Balaban & Katz, Warner Theatres and the major companies probably will start early in October, with the taking of depositions from B. & K. and Warner officials slated for Oct. 5.

Sees Television Not Supplanting Radio

CINCINNATI, Sept. 18.—"Although television is becoming a big commercial development, and possesses tremendous possibilities, it never will replace radio, but will be a supplementary service," declared E. J. Dykstra, division manager of the Farnsworth Television and Radio Corp., manufacturers, Ft. Wayne, Ind., addressing distributors here.

"Both will have their respective fields, and, while television appears destined to make big strides, radio, with its enormous capital investment and ramifications in business and advertising, will retain its place in the sun. Since we must give undivided attention to receiving a television program, but can listen to radio while doing something else, television will, undoubtedly, change our habits, but it will not interfere with radio," he said.

Para. Wins Ball Title

Paramount's team won the championship of the Motion Picture Baseball League Saturday, winning the final game of the season from Consolidated Films, 6 to 5, at the George Washington High School Stadium. Consolidated Films won the championship for the 1938 season.

War Checks Odeon Deal, Says Griffis

(*Continued from page* 1)

the pier, declared that "it is now in the hands of the Odeon people."

Griffis said he had no knowledge of the situation in Europe, adding, "You over here know more than I do." On his return from France he spent only one day in England, and that was at Southampton, where the *Washington* took on passengers. Griffis embarked at Havre.

The Paramount official was overjoyed at being home. "I never was more glad to be anywhere than to be back in New York," he said. "The skyline looked grand to me, and I kept looking for the Paramount Building."

Roger Clement, Paramount home office attorney who went to England to close the Odeon theatre deal, is still stranded in Paris where he went on a holiday after completing the legal papers.

Robert Montgomery, who was to have starred in "Busman's Holiday," M-G-M British production, returned on the boat with Mrs. Montgomery. The film was to have started shooting on Sept. 4, a day after England declared war. The picture may be made in Hollywood, and a decision will be reached upon the arrival of Ben Goetz, M-G-M production chief in England, who is due to sail with his wife on the *Manhattan* tomorrow and arrive here Sept. 27 or 28.

Richard Thorpe, assigned to direct "Busman's Holiday," returned with Mrs. Thorpe and their son. Maureen O'Sullivan, co-star of the film, got back last week from England.

Another passenger was William T. Tilden, tennis ace, who disclosed he had written a play with Stephen Vernon called "Net Profits," which he described as a comedy drama of tennis. Tilden said his plans are indefinite.

Among other passengers were Katherine Doucet, Ethel Remy and Claire Carleton of the London company of "The Women"; June Clyde, film player; Sol Hurok, agent; Fritz Kreisler, here for his annual concert tour, and Mrs. Joseph P. Kennedy, wife of the U. S. Ambassador to Great Britain, and three of her nine children.

Brockington to Get Canadian War Post

TORONTO, Sept. 18.—L. W. Brockington, chairman of the Board of Governors of the Canadian Broadcasting Corp., is slated for appointment by the Dominion Government as chairman of the National Bureau of Information, which is being established for the distribution of news of an official nature to the newspapers and radio stations of the country during the period of the war.

Brockington is scheduled to retire as head of the CBC in November and had intended to devote his attention to legal business at Winnipeg, where he has his home, but will take over his new duties at an early date.

The Bureau of Information has nothing to do with the office of Chief Censor in an operating sense and the censorship of films in Canada will continue to be vested in L. Clare Moyer, on the Canadian Senate staff.

New Contracts For Broadway Stages Pushed

(Continued from page 1)

Union, Local 1, is expected to end discussions for the new contract, and lawyers will then draft an agreement. It will be a one-year contract with no hour or wage scale changes.

The new agreement with the Theatrical Managers, Agents and Treasurers Union, which is now being drafted, does not provide for an immediate change in hours or pay but stipulates arbitration at the end of each year of its three-year duration. The T.M.A.T. contracts cover only managers and press agents.

The I.A.T.S.E. has formally notified the League that it represents a majority of the treasurers, but the negotiations are being held up until after the State Labor Relations Board disposes of charges of unfair labor practices by T.M.A.T. Local 1, also an I.A. affiliate, will sign its contract independently of the treasurers.

Equity has no existing contract with the producers, except that it has promised not to increase the minimums which it now enforces during the existence of a ticket code. The code expired Sept. 1, but was extended for 60 days at Equity's request. Possibility of an amended code, or a central ticket agency run by the League, awaits Equity's decision.

Ohio I. T. O. Praises Universal Precedent

COLUMBUS, O., Sept. 18.—In a bulletin to members, the I.T.O. of Ohio commends Universal for its action in notifying exhibitors that "First Love," which cannot be completed for release during the current season, will be delivered under 1938-'39 contracts regardless of release date.

"This action by Universal is highly commendable and we hope that it establishes a precedent that other distributing companies will follow," the organization says.

The bulletin also reminds members that the State Department of Industrial Relations insists on compliance with the law which makes it mandatory upon all employers to enter into wage agreements with all employees under 21 years of age. This statute was enacted in 1893 but has not been generally enforced. There will be no attempt to prosecute employers for past violations.

War Action Hinders Canada Film Board

TORONTO, Sept. 18.—Further organization of the National Film Board of the Dominion Government, members of which were recently appointed by W. D. Euler, Minister of Trade and Commerce, is to be held in abeyance because of war's demands on governmental activities, it is understood.

Members of the board had been instructed to appoint a National Film Commissioner, the only salaried official of the committee, to direct generally-outlined film developments, but the war broke in the meantime.

Theatre, Personnel Notes

Quits Cincinnati House

CINCINNATI, Sept. 18.—Roy L. Ferndon, manager of the RKO Family, has resigned to become manager of the Plaza, independent suburban. He succeeds William Wiggerinloh, Jr., who gave up his post to join a suburban police force. Eugene Works, chief of service at the family, has been named manager of that house.

Building in North Carolina

MONROE, N. C., Sept. 18.—Barger Brothers of Mooresville, N. C., have been awarded the general contract for the construction of a motion picture theatre here for North Carolina Theatres, Inc.

Promote Joseph Mazer

PHILADELPHIA, Sept. 18.—Joseph Mazer, assistant manager of the Princess, has been promoted to assistant manager of the Family.

Leases Wisconsin House

SLINGER, Wis., Sept. 18.—Ed Bowen, Mayville, Wis., has leased the Slinger here and reopened the house.

Buys Savannah Theatre

SAVANNAH, Ga., Sept. 18.—The Star Theatre here has been purchased by W. B. Braswell from W. S. Scott.

Tennessee Theatre Planned

HALLS, Tenn., Sept. 18.—The Ruffin Amusement Co. is planning a theatre here, to cost $25,000.

Plan Georgia House

CALHOUN, Ga., Sept. 18.—J. M. Burdett has been awarded the general contract for the new Gem, here, which will seat 800.

Installs New Equipment

AUSTIN, Tex., Sept. 18.—The Cactus has installed complete new sound equipment.

Zanuck Summoned In Lincoln Play Suit

Darryl F. Zanuck was ordered yesterday by N. Y. Supreme Court Justice Noonan to appear for examination before trial in Los Angeles and to produce the records of Twentieth Century-Fox Film Corp. in reference to the suit of Robert E. Sherwood and the Playwrights Producing Co. The plaintiffs, however, were directed to pay $150 per day counsel fees, $25 daily living expenses and $300 transportation to Julian T. Abeles, Zanuck's counsel, during the examination. Suit charges Twentieth Century's film, "Young Mr. Lincoln," with unfairly competing with the Sherwood play, "Abe Lincoln in Illinois."

Warner Regiment Off to Golfing War

With wives keeping the home fires burning and with the clerical staff holding down the home office, more than 100 New York Warner Club members marched off today to the battlegrounds—the Glen Oaks Golf Club, Great Neck, L. I. Seeking prizes of competition, the golfers were to swarm over the course and then sit down to a table of victuals in the evening with Gradwell L. Sears as spokesman-in-chief.

Open Detroit Theatre

DETROIT, Sept. 18.—The Esquire, latest addition to the Detroit metropolitan area amusement field, has been opened in Grosse Pointe Park, a suburb. The $200,000 house seats 1,000 and will operate on a split week schedule.

Abandons Foreign Films

SEATTLE, Sept. 18.—John Danz has abandoned his first run foreign film policy at the Uptown and will return to former neighborhood policy of double feature second run attractions. Frank Jenkins remains as manager.

Resumes Vaudeville

CINCINNATI, Sept. 18.—The Strand, downtown independent, has resumed its weekend policy of four acts of vaudeville and pictures, at a 15 and 25-cent scale. The house otherwise plays double features.

New RCA Installations

Theatres being equipped with RCA Photophone sound systems include the Madison in Detroit; Cleveland, Cleveland, Texas; New Texas, Bay City, Texas, and the Grand at Orlando, Fla.

Promote Texas Manager

AUSTIN, Tex., Sept. 18.—Francis Vickers has been promoted from assistant manager of the Capitol to the New Austin as manager.

Court Cuts Award In Plagiarism Suit

An award of $16,470 to Edward Sheldon and Margaret Ayer Barnes against the Moredall Realty Corp. for exhibiting the film, "Letty Lynton," at the Capitol Theatre was reduced to $3,099 yesterday by Federal Judge Leibell. Special Master Kenneth E. Walser had recently granted the award after a court ruling that "Letty Lynton" plagiarized the Sheldon-Barnes play, "Dishonored Lady."

Judge Leibell, in his opinion, characterized Moredall Realty as an innocent infringer and reduced the award as a result of a previous decision of the U. S. Circuit Court in a suit against Loew's, Inc., and Metro-Goldwyn-Mayer Pictures Corp. which fixed damages at one-fifth of the net income of the picture.

Attorneys for Sheldon and Barnes were allowed $1,500 counsel fees and the Special Master $1,000 by the decision.

Hearing on Schine Motions Postponed

BUFFALO, Sept. 18.—Federal Judge John Knight today adjourned until Oct. 2 the hearing of motions for an injunction and motions for dismissal of the monopoly complaint against Schine Theatres, Inc., its affiliates and major distributors.

The adjournment was granted at the request of Willard S. McKay, attorney for the Schine interests. He sought more time in which to prepare affidavits answering 16 affidavits from rival theatre operators submitted by the Government.

John J. Doran, Assistant Federal Attorney, consented to the adjournment. John Lord O'Brian, attorney for Paramount, joined in McKay's motion.

'Big 5' Behind CIO in Studio Craft Election

(Continued from page 1)

sponsored by the National Labor Relations Board.

Negotiations on new wage scales and conditions of the closed shop agreement between the producers and I.A.T.S.E. have been postponed to day following the election.

Joseph M. Schenck, president of the Motion Picture Producers Association, said:

"The producers will bargain collectively with whatever bargaining agency shall be determined by a legal agency."

Bioff Assails 'Propaganda'

William Bioff, head of the I.A.T.S.E. negotiating committee, declared:

"Charges have been made recently by our enemies that the purposes of the I.A.T.S.E. in attempting to negotiate for wages, hours and working conditions near the eve of the forthcoming N.L.R.B. elections in the studios is in order that the results of such negotiations would react favorably in behalf of I.A.T.S.E. in such an election. Such propaganda is vicious, untrue and typical of the source from which it springs."

'Women' $12,000 Indianapolis Hit

INDIANAPOLIS, Sept. 18.—"The Women," on a dual with "6,000 Enemies," gave Loew's smash business of $12,000. "Beau Geste" and "Death of a Champion" scored at the Circle, with $9,400.

Estimated takings for the week ending Sept. 15:

"The Star Maker" (Para.)
"This Man Is News" (Para.)
APOLLO—(1,100) (25c-40c) 7 days. 2nd week. Gross: $3,200. (Average, $2,500)
"Beau Geste" (Para.)
"Death of a Champion" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $9,400. (Average, $6,000)
"The Women" (M-G-M)
"6,000 Enemies" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $12,000. (Average, $7,000)

Reduce Assessment For Fox Subsidiary

N. Y. Supreme Court Justice Peter Schmuck yesterday approved the settlement of a proceeding brought by Milton C. Weisman and Kenneth P. Stenreich as trustees of the Fox Theatres Corp. against the City of New York to reduce assessments upon properties of the Broadway & 165th St. Corp., Fox subsidiary. Under terms of the settlement, the City agrees to lower assessments $10,000 for the years of 1936 and 1937 upon discontinuance of the proceeding.

Cliff Lewis Given Bigger Studio Post

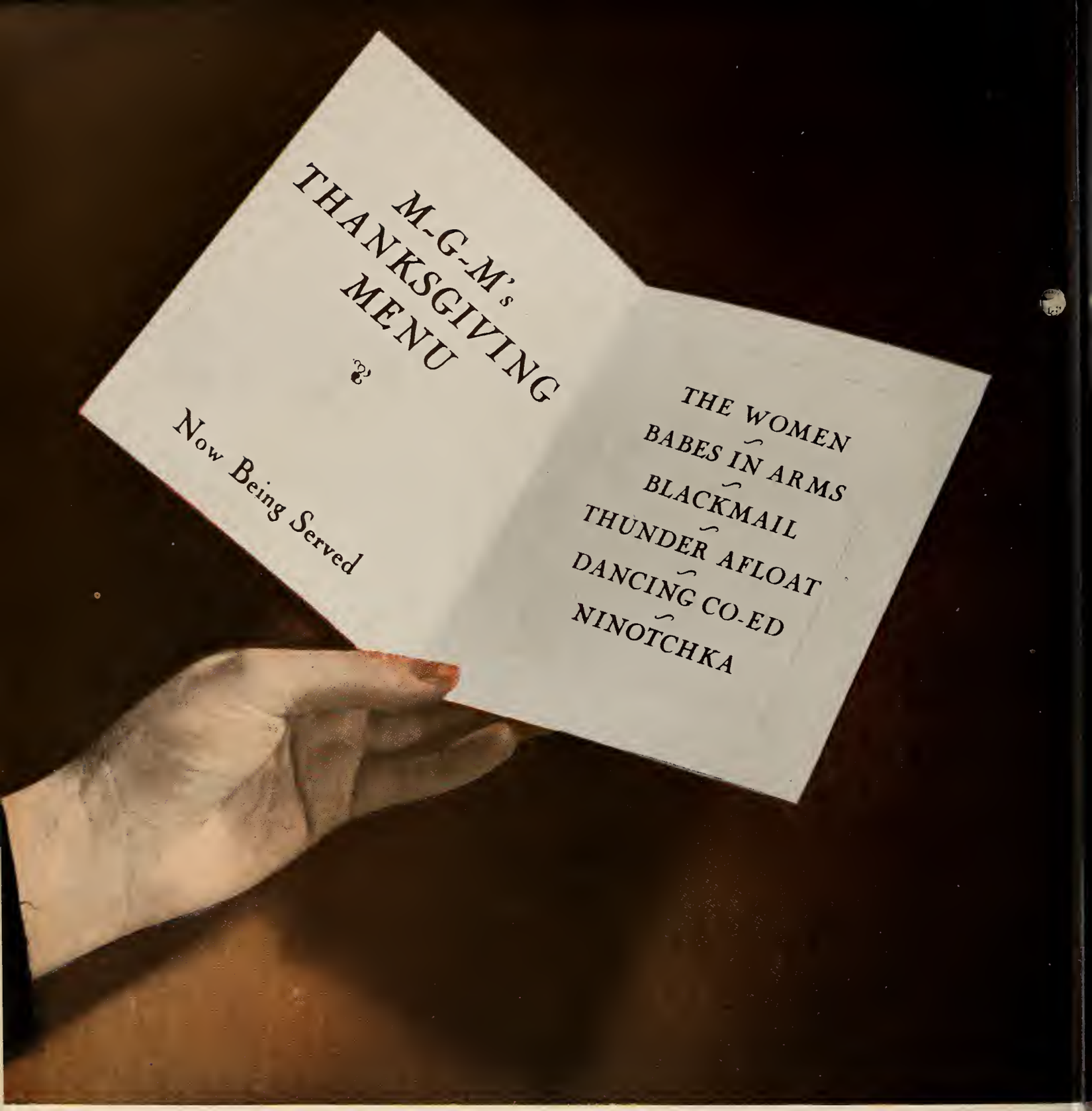
HOLLYWOOD, Sept. 18.—Robert M. Gillham, Paramount director of advertising and publicity, today placed Cliff Lewis in charge of advertising, publicity and trailer departments at the studio.

Terry DeLapp and Herb Moulton, present heads of the publicity and trailer departments, will continue in their respective positions.

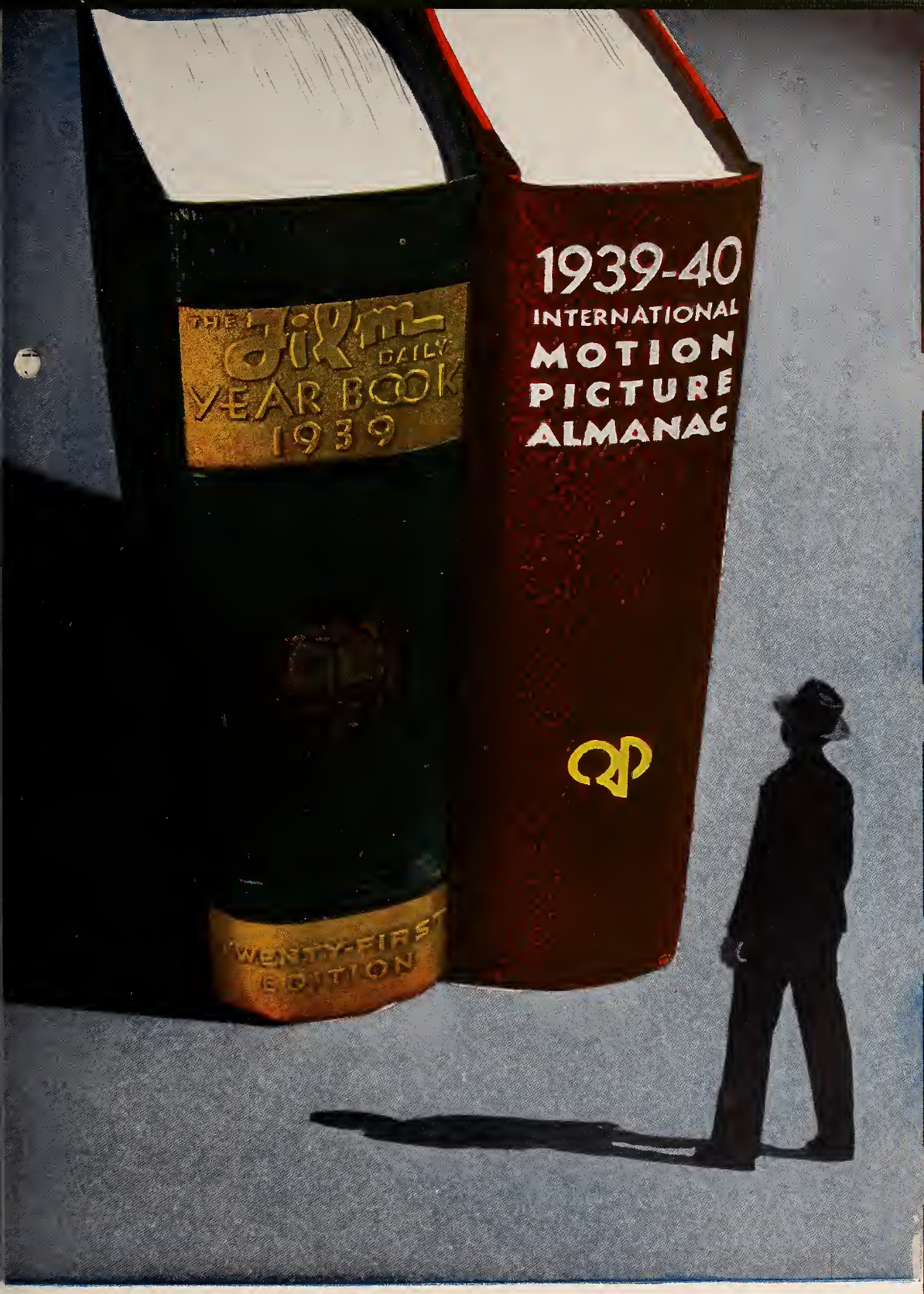


THEY'VE MOVED THANKSGIVING AGAIN!

it starts right now!



THE TALK OF THE INDUSTRY! PREVIEWED AND READY FOR S.R.O.!



NORMA SHEARER • JOAN CRAWFORD • Rosalind Russell *in* "THE WOMEN" *with* Mory Boland Paulette Goddard • Phyllis Povah Joan Fontaine • Virginia Weidler Lucile Watson • Fram the Play by Clare Boothe • By Arrangement with Mox Gordon Plays and Pictures Corporation • Screen Ploy by Anita Loos and Jane Murfin • Directed by George Cukor • Produced by Hunt Stromberg.
A Metro-Goldwyn-Moyer Picture

MICKEY ROONEY & JUDY GARLAND *in* "BABES IN ARMS" *with* Charles Winninger • Guy Kibbee • June Preisser • Grace Hayes • Betty Jaynes • Douglas McPhail • Rand Brooks • Leni Lynn • John Sheffield Screen Play by Jack McGowon ond Kay Van Riper • Based on the Ploy by Richord Rodgers ond Lorenz Hart • Directed by Busby Berkeley Produced by Arthur Freed.
A Metro-Goldwyn-Moyer Picture

EDWARD G. ROBINSON *in* "BLACKMAIL" *with* Ruth Hussey • Gene Lockhort • Bobs Wotson • Screen Ploy by Dovid Hertz ond Williom Ludwig • Directed by H. C. Potter Produced by John W. Considine, Jr.
A Metro-Goldwyn-Mayer Picture

WALLACE BEERY *in* "THUNDER AFLOAT" *with* Chester Morris Virginio Grey • Screen Ploy by Wells Root ond Commonder Horvey Hoislip Directed by George B. Seitz • Produced by J. Wolter Ruben.
A Metro-Goldwyn-Moyer Picture

"DANCING CO-ED" *with* Lono Turner • Richard Carlson • Artie Show ond his Bond • Ann Rutherford Lee Bowmon • Thurston Holl • Leon Errol • Directed by S. Sylvon Simon Produced by Edgor Selwyn.
A Metro-Goldwyn-Moyer Picture

GRETA GARBO *in* "NINOTCHKA" *with* Melvyn Douglas • Ina Claire An Ernst Lubitsch Production • Directed by Ernst Lubitsch • Produced by Sidney Franklin.
A Metro-Goldwyn-Mayer Picture

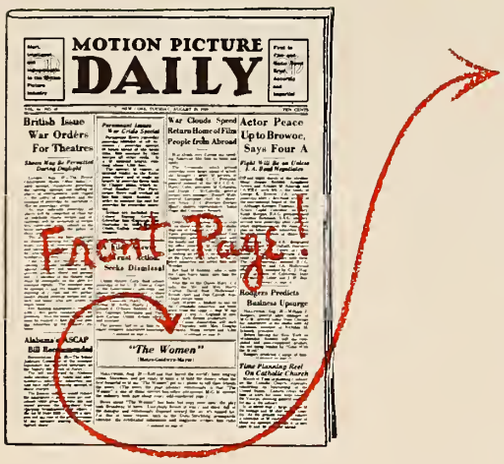
"Look ahead Mister Exhibitor! M-G-M is writing the history of '39-'40!"

Never before has any company (*including* M-G-M!) started a season with such a barrage of established hits!

(*more next page*)



"THE WOMEN" is FRONT PAGE NEWS



It's so BIG they put it on Page One and here's what they say:

"Roll out the barrel the world's been singing about, Showmen, and get ready to need it to hold the money when the first houseful in to see 'The Women' get to a phone to tell their friends the news . . . THE WOMEN is one of those terrific box-office attractions." —**MOTION PICTURE DAILY**

"THE WOMEN's success is a foregone conclusion. Superlatives are in order. Audiences may be expected to turn out in droves."—**BOX OFFICE MAGAZINE**

"THE WOMEN is one of the smash hits of the season. Extended runs, hold-overs and top-grosses will be the rule." —**VARIETY**

"THE WOMEN is the hottest box-office attraction of 1939 . . . a self-selling, gate-building morsel spiced to the palate of any and all comers."
—**MOTION PICTURE HERALD**

"THE WOMEN solid triumph with top box-office punch . . . M-G-M has a top hit! Boys and girls, here is one that should break records."
—**HOLLYWOOD REPORTER**

"THE WOMEN is sure-fire screen fare." —**FILM DAILY**

"THE WOMEN is for the women, and that means that they'll drag the men with them."
—**SHOWMEN'S TRADE REVIEW**

"THE WOMEN is a solid smash hit."
—*Ed Sullivan,* **DAILY NEWS**
Column Syndicated Nationwide

"THE WOMEN is a bold, glittering and enormously funny film. I urge you to run to it the moment it is exhibited in your part of the country."
—*Beau Broadway,* **MORNING TELEGRAPH**



This bath-tub scene is not the one in "The Women."



Get ready for Extended Runs!

"THE WOMEN has all the elements of a smash success. Absorbing entertainment, exciting, provocative and pictorially decorative. The season's stand-out offering."
—**DAILY VARIETY**

"THE WOMEN is not only adult, but extremely sophisticated."
—*Louella Parsons,* **LOS ANGELES EXAMINER**

"THE WOMEN will certainly bowl over the matinee trade, and go quite a bit beyond that."
—*Edwin Shallert,* **LOS ANGELES TIMES**

"THE WOMEN is going to be one of the smash hits of the year."
—*Harrison Carroll,*
LOS ANGELES EVENING HERALD AND EXPRESS

AND NOW THE HEADLINES BEGIN!

(*Just the first few, as we go to press, from* VARIETY):

'Women' $16,000 Paces OK Cincy;

Cincinnati, Sept. 5.
European war chill was overcome by holiday-padded weekend and cinema trade currently is okay. Ace b.o. lure this week is 'Women,' which is attracting a swell Albee figure.

Albee (RKO) (3,300; 35-42)—'Women' (M-G). Very big $16,000.

'Women' Sweet $34,000, 2 L. A. Spots;

Los Angeles, Sept. 6.
Metro's 'The Women' topping the town, playing day and date at Loew's State and Grauman's Chinese. Film grabbed a sweet $31,000 on the current week, plus around $3,000 extra at a preem performance at the Chinese.

'Women' 19G in Uneasy Pitt.

Penn (Loew's-UA) (3,300; 25-35-50)—'Women' (M-G). Powerhouse newspaper campaign plus big word-of-mouth will shoot this out in front for big $19,000. Will hold for another week.

FLASH! "THE WOMEN" S.R.O.!

Watch those dames bring in the dough!

Start '39-'40 with "The Women" and get the hit habit early. Eyes on Leo! Keep going!

WRITE THIS DOWN!

BECAUSE of our own sincere belief after having previewed "Babes In Arms" in several widely different theatres--

BECAUSE of the hysterical enthusiasm of the audiences in each instance—

BECAUSE of the grape-vine comments already started by the newspaper representatives and columnists of Hollywood—



WORD OF MOUTH IS MAKING IT FAMOUS ALREADY!

MICKEY ROONEY & JUDY GARLAND in "BABES IN ARMS" with Charles Winninger • Guy Kibbee • June Preisser • Grace Hayes • Betty Jaynes • Douglas McPhail • Rand Brooks • Leni Lynn • John Sheffield Screen Play by Jack McGowan and Kay Van Riper • Based on the Play by Richard Rodgers and Lorenz Hart • Directed by Busby Berkeley Produced by Arthur Freed
A Metro-Goldwyn-Mayer Picture

We Predict:

"'BABES IN ARMS' WILL

MICKEY ROONEY
JUDY GARLAND



and hundreds of entertainers in the gala musical comedy stage hit, the most discussed film of the new season:

"BABES IN ARMS"

"MAKE SCREEN HISTORY"

You'll predict it too! There's another Babe in Arms on next page!



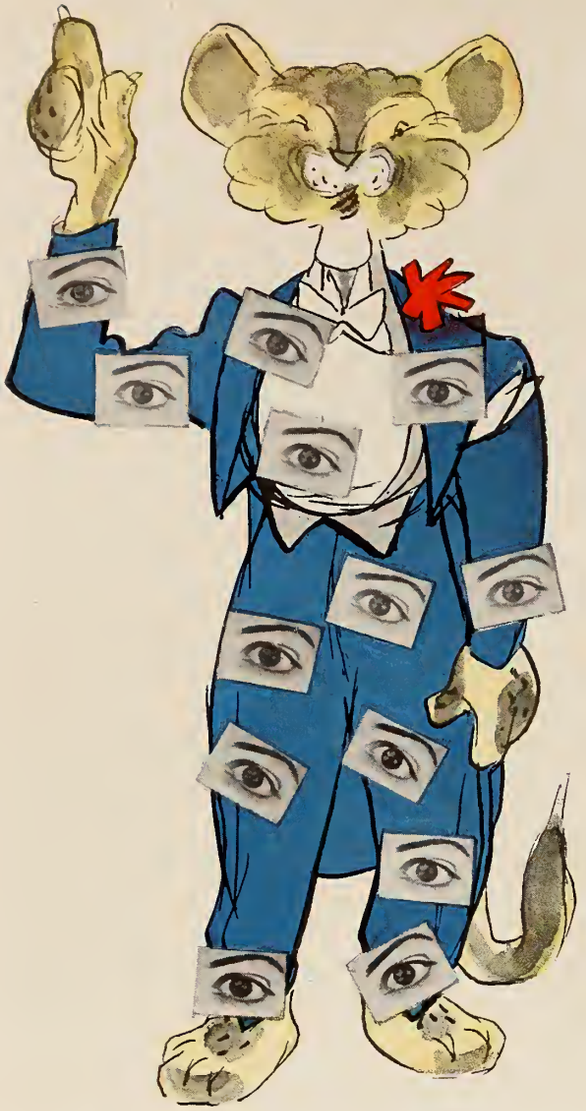
"DID PAPA SIGN HIS M-G-M CONTRACT YET?"



"YES, PAPA SIGNED HIS M-G-M CONTRACT!"

He believes in security. He knows that grade "A" pictures mean grade "A" milk for baby and new furs for Mama. He knows that year after year, when all is said and done, there's just one safe bet for the family, The Friendly Company!

(More wonderful news follows:)



"EYES ON LEO"

Last year M-G-M serviced the largest number of theatres and had the largest number of accounts in its entire history! To them we say: "Your faith and loyalty is reflected in M-G-M's remarkable new product!" M-G-M's Fall line-up is literally The Talk of the Industry. While "The Wizard of Oz" continues to set new marks in extended-runs and while the life-saving Summer hits of M-G-M are still fresh in memory: "Andy Hardy Gets Spring Fever", "Goodbye Mr. Chips", "Lady Of The Tropics" etc. etc., the season '39-'40 begins triumphantly! "The Women" and "Babes In Arms" are already celebrated on every Film Row! Also previewed and acclaimed are the four great attractions shown on the next page.









(*continued*)

Many others near completion and the advance tip-off is:

"More Big Ones on the way!"

M-G-M is racing far ahead of the field!

There's no comparison—and remember this is just the beginning! Just Sept. and Oct.!

Eyes on Leo!

(*next page please*)



all together now:

"METRO-GOLDWYN-MAYER'S
THE ANSWER TO YOUR PRAYERS"

PRINTED IN U. S

Frisco Gives Good $17,500 To 'Old Maid'

SAN FRANCISCO, Sept. 18.—"The Old Maid" and "Torchy Plays with Dynamite" drew a good $17,500 at the Fox. "Blackmail" and "Should Husbands Work" drew well, with $14,500 at the Warfield.

Estimated takings for the week ending Sept. 12-15:

"In Name Only" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days, 3rd week. Stage: Vaudeville. Gross: $11,500. (Average, $15,000)
"Golden Boy" (Col.)
"Behind Prison Gates" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $6,500. (Average, $8,000)
"Beau Geste" (Para.)
"Night Work" (Para.)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $6,600. (Average, $6,000)
"The Old Maid" (W. B.)
"Torchy Plays with Dynamite" (W. B.)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: $17,500. (Average, $16,000)
"Adventures of Sherlock Holmes" (20th-Fox)
"These Glamour Girls" (M-G-M)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days. Gross: $9,500. (Average, $11,500)
"Four Feathers" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 3rd week. Gross: $7,000. (Average, $8,000)
"Blackmail" (M-G-M)
"Should Husbands Work?" (Rep.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days. Gross: $14,500. (Average, $12,000)
"Stolen Life" (Para.)
CLAY—(400) (15c-35c-40c) 7 days, 2nd week. Gross: $1,100. (Average, $1,000)
"Men of the Sea." (Amkino)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $500. (Average, $1,000)

'Under-Pup' Scores $7,800 in Montreal

MONTREAL, Sept. 18.—"The Under-Pup," aided by a personal appearance of Gloria Jean, grossed $7,800 at the Capitol Theatre. "Stanley and Livingstone," registered $7,500 at Loew's.

Estimated takings for the week ending Sept. 15:

"The Under-Pup" (Univ.)
"Risky Business" (Univ.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $7,800. (Average, $8,000)
"Stanley and Livingstone" (20th-Fox)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Gross: $7,500. (Average, $8,000)
"Four Feathers" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $2,400, 5th week. (Average $5,000)
"The Old Maid" (W. B.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days, 2nd week. Gross: $7,500. (Average, $11,000)
"I Stole a Million" (Univ.)
"Climbing High" (British)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $3,200. (Average, $6,500)

Hold Charity Show

CINCINNATI, Sept. 18.—The Cincinnati Variety Club's musical and athletic show at Music Hall Arena netted $1,520, to be turned over to the St. Mary's Hospital Milk Fund, which the club has been sponsoring for several months. Harry Hartman, WCPO sportscaster, was chairman of the affair, and Noah Schecter directed the show, with Al Bechtold as associate director.

Book Salomon Short

"Sons of Liberty," Warner short which tells of the work of Haym Salomon, Jewish patriot during the Revolutionary War, will be shown at all RKO neighborhood houses in New York today and tomorrow, during the Jewish holiday week.

Hollywood Reviews

"What a Life"

(Paramount)

HOLLYWOOD, Sept. 18.—For a long time various studios have been trying to make the right kind of a high school days picture. Paramount, with "What a Life," comes close to attaining the goal. The meaningful audience entertainment values and commercial potentialities of the production are its naturalness and simplicity. Great appeal is given the story, which is a blending of comedy and pathos, by the commendable manner in which Jackie Cooper, Betty Field, John Howard, Janice Logan, Vaughan Glaser, Lionel Stander, Hedder Hopper, James Corner and the support cast enact their roles.

Producer director Jay T. Reed screened the Clifford Goldsmith play intelligently. Many sympathetic touches in human, heartwarming dialogue and situations were imparted to the screenplay by Charles Brackett and Billy Wilder.

There are many attention-arresting incidents in the picture, but its real meat is the story of Henry Aldrich (Jackie Cooper). He's a problem to the teachers because he will not study. He's the goat upon whom is pinned responsibility for all school rule infractions, whether or not he committed them. He adds to his woes when he cribs, and when a theft is committed he is the first and only suspect. In the whole school body Jackie has only three friends, teachers John Howard and Janice Logan and coed Betty Field. They are the ones who rescue him from a dark and threatening scrape.

Adults and juveniles are the audiences for "What a Life."

Running time, 75 minutes. "G."* G. McC.

"Sky Patrol"

(Monogram)

HOLLYWOOD, Sept. 18.—Not far back in many minds just now are such questions as that of precisely how the United States would prevent a foreign nation from smuggling arms and ammunition out of this country if said nation chose to do so. Specific ways and means by which the U. S. Army might prevent it are shown in this third number of the Tail-spin Tommy series starring John Trent. The hero is seen this time in the service and in charge of an Army sky patrol which detects a hydroplane transporting munitions to a ship at sea and, after adventurous intercession, takes care of the matter thoroughly.

The picture is timely and plausible. It is a Paul Malvern production directed by Howard Bretherton from a screenplay by Joseph West and Norton S. Parker, all of whom cooperated to keep it inside the realm of credibility. It tells its tale simply, interestingly and economically. Milburn Stone, Marjorie Reynolds, Jason Robards and Jackie Coogan are among the other members of a balanced cast supplying Trent adequate support.

Running time, 61 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

'Stanley' $10,500 Lead in Pittsburgh

PITTSBURGH, Sept. 18.—"Stanley and Livingstone" led here with a powerful $10,500 at the Fulton. "The Old Maid" scored $19,000 at the Stanley, while Loew's Penn grossed $13,000 for the second week of "The Women."

Estimated takings for the week ending Sept. 14:

"Golden Boy" (Col.)
ALVIN—(1,900) (25c-35c-50c) 7 days, 2nd week. Gross: $6,000. (Average, $7,000)
"Stanley and Livingstone" (20th-Fox)
FULTON—(1,700) (25c-40c) 7 days. Gross: $10,500. (Average, $5,000)
"The Women" (M-G-M)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days, 2nd week. Gross: $13,000. (Average, $13,000)
"The Man They Couldn't Hang" (Col.)
SENATOR—(2,000) (25c-40c) 7 days. Gross: $2,000. (Average, $3,000)
"The Old Maid" (W. B.)
STANLEY—(3,600) (25c-35c-50c) 7 days. Gross: $19,000. (Average, with stage shows, $17,000)
"Gracie Allen Murder Case" (Para.)
"Indianapolis Speedway" (W. B.)
WARNER—(2,000) (25c-40c) 7 days. Gross: $4,500. (Average, $5,000)

Seattle Puts Ban On All Carnivals

SEATTLE, Sept. 18.—Acting upon a request of the MPTO of Washington, and the Seattle Federation of Motion Picture Theatre Employes, the City Council has passed an ordinance banning street carnivals in this city.

The carnivals are detrimental to public welfare and morals, and a nuisance to business firms and householders in the region where they are held, it was contended. The ordinance becomes effective at once, having been signed by Mayor Arthur Langlie.

Detroiters at Tourney

DETROIT, Sept. 18.—Forty executives, managers and assistants participated Saturday in the annual golf tournament sponsored by the Detroit Theatres, Inc., at the Maple Lane Club. Leonard Goldenson of the Paramount home office, in town on business, arrived in time to attend the luncheon following the tourney.

'Beau Geste' Chicago's Hit With $42,500

CHICAGO, Sept. 18.—"Beau Geste" drew $42,500 at the Chicago, in the face of the worst heat wave Chicago has ever known in September. "When Tomorrow Comes" was strong, with $24,000 at the Palace.

Estimated takings for the week ending Sept. 14-16:

"The Star Maker" (Para.)
APOLLO—(1,400) (25c-55c-75c) 7 days. 2nd week. Gross: $4,200. (Average, $6,000)
"Beau Geste" (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Lawrence Welk and Band. Gross: $42,500. (Average, $32,000)
"Angels Wash Their Faces" (M-G-M)
GARRICK—(900) (35c-40c-65c) 7 days. Gross: $4,400. (Average, $5,000)
"Susannah of the Mounties" (20th-Fox)
"Mutiny of the Blackhawk" (Univ.)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $12,300. (Average, $13,000)
"When Tomorrow Comes" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Vaudeville Revue. Gross: $24,000. (Average, $18,000)
"Golden Boy" (Col.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $11,600. (Average, $11,000)
"Blondie Takes a Vacation" (Col.)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $14,200. (Average, $12,000)
"Wizard of Oz" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 3rd week. Gross: $13,800. (Average, $14,000)

Magicians Protest Exposure in Film

Society of American Magicians has protested to Murray Silverstone, United Artists chief executive, the "exposure" of trade secrets of "another branch of show-business—the magicians," in Walter Wanger's "Eternally Yours."

The organization's wire, which has been referred by Silverstone to Wanger, points out that Hardeen, one of its members, is performing one of the tricks exposed in the film in the current "Hellzapoppin." The message asserts that "many large theatre circuit owners have pledged us not to book pictures exposing the profession of magic, and many members threaten to take the matter up with their A.F. of L. union."

Mobile Television Permit to DuMont

Federal Communications Commission has issued a license to DuMont Television Corp., Paramount affiliate, to operate a mobile television unit. The unit is already in construction for experimental usage.

One of the possibilities, athough admittedly remote, is that the mobile unit may be used experimentally in broadcasting to the Paramount Theatre screen in Times Square.

Kalmine Legion Head

PITTSBURGH, Sept. 18.—Warner Theatres district manager Harry Kalmine has been reelected commander of Variety Club Legion Post No. 589. Other officers are bookers Joseph Hiller of National Theatrical Exchange and Dr. L. G. Beinhauer, vice-commanders; C. C. Kellenberg, office manager of the 20th Century-Fox exchange, adjutant; James G. Balmer of the Harris Amusement Co., finance officer, and Rev. J. Garahan, chaplain.

Minneapolis Gives 'Dawn' High $8,200

MINNEAPOLIS, Sept. 18. — "Each Dawn I Die" was the winner in Minneapolis, getting $8,200 at the Orpheum. "In Name Only" was good for $6,400 at the State. In general, grosses were up for the week in the twin cities.

In St. Paul, "The Man in the Iron Mask" led with $4,300 at the Orpheum.

Minneapolis:

"Conspiracy" (RKO)
"Five Little Peppers" (Col.)
ASTOR—(900) (15c-25c) 7 days. Gross: $2,100. (Average, $1,500)
"The Star Maker" (Para.)
CENTURY—(1,600) (25c-40c) 7 days, moved from State. Gross: $4,100. (Average, $4,000)
"The Adventures of Sherlock Holmes" (20th-Fox)
GOPHER—(990) (25c) 7 days. Gross: $3,100. (Average, $2,500)
"Flight at Midnight" (Rep.)
MINNESOTA—(4,300) (15c-30c) 7 days with stage show. Gross: $6,000. (Average, $6,000)
"Each Dawn I Die" (W. B.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $8,200. (Average, $4,800)
"In Name Only" (RKO)
STATE—(2,300) (25c-40c) 7 days. Gross: $6,400. (Average, $4,400)
"Four Feathers" (U. A.)
WORLD—(400) (25c-55c) 7 days, second week. Gross: $1,900. (Average, $1,600)

St. Paul:

"The Man in the Iron Mask" (U. A.)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $4,900. (Average, $3,200)
"In Name Only" (RKO)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $4,400. (Average, $4,400)
"Frontier Marshal" (20th-Fox)
RIVIERA—(1,000) (25c) 7 days. Gross: $2,400. (Average, $1,800)
"Bad Lands" (RKO)
"Behind Prison Gates" (Col.)
TOWER—(1,000) (25c) 7 days. Gross: $2,900. (Average, $1,600)
"When Germany Surrendered" (Rule)
WORLD—(400) (25c-55c) 8 days. Gross: $700. (Average for 7 days, $700)

Legion Approves 13 New Pictures

National Legion of Decency for the current week has approved all of the 13 new pictures reviewed and classified, eight for general patronage and five for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage — "The Day the Bookies Wept," "Five Little Peppers and How They Grew," "Kid Nightingale," "Legion of Lost Fliers," "Missing Evidence," "Real Glory," "Sky Patrol," "Stop, Look and Love." Class A-2, Unobjectionable for Adults —"The Cat and the Canary," "Honeymoon in Bali," "The Rains Came," "Thunder Afloat," "Two Bright Boys."

Morris, Reisman Back in New York

Sam E. Morris, vice-president of Warners in charge of foreign activities, and Phil Reisman, RKO foreign manager, returned on the *Brazil* yesterday after attending South American conventions.

A. S. Abeles, Warner manager in Brazil, arrived with Morris for home office conferences. Another passenger was Mel Shauer, producer, who spent five months in Argentina lining up production plans for two Spanish language films which he will make for United Artists release.

"Babes in Arms"

[Metro-Goldwyn-Mayer]

(*Continued from page* 11)

fail, while their children band together to put on a musical comedy which is successful.

Supporting the Rooney-Garland combination are Charles Winninger, Guy Kibbee, June Preisser, Grace Hayes, Betty Jaynes, Douglas McPhail, Rand Brooks, Leni Lynn, John Sheffield, Henry Hull, Barnett Parker, Ann Shoemaker, Margaret Hamilton, Joseph Credhan, George McKay, Henry Roquemore and Lelah Tyler.

The Rodgers and Hart book was materially changed by screenplay writers Jack McGowan and Kay Van Riper to afford Rooney a wide swath to cut. McGowan and Miss Van Riper, the latter quite familiar with the "Hardy" scripts, turned out a glittering piece. Busby Berkeley, who rose to directorial fame via the filmusical ladder, guided this production to a nicety. It is appropriate, too, that song writer Arthur Freed should have this as his first effort at production. Two of the Richard Rodgers-Lorenz Hart songs, "Babes in Arms" and "Where Or When," are used, with Freed, Nacio Herb Brown, Harold Arlen and E. Y. Harburg contributing others.

From music, editing, acting on up or down, "Babes in Arms" is anyone's money's worth of entertainment.

Running time, 95 minutes. "G."*

**"G" denotes general classification.*

'Night of Stars' Gets Film Industry's Aid

More than 500 men and women, leaders in the business, civic and amusement worlds, will be the guests of Nathan Straus, U. S. Housing Administrator, at a luncheon today at the Hotel Astor. Plans will be discussed for "Night of Stars," gigantic theatrical show to be staged at Madison Square Garden November 15 for the benfit of Jewish refugee settlement in Palestine.

Louis Lipsky, chairman of the administrative committee of the United Palestine Appeal, will discuss Palestine as a refugee during this time of war and persecution and the necessity of extending it maximum co-operation in the settlement of Jewish refugees there.

Other speakers will include: Mrs. Joseph Stroock, who will report for the Women's Committee; Marving H. Schenck and Ben A. Boyar, associate chairmen of the Producing Committee, who will tell of the progress that has already been made in enlisting the support of the legitimate theatre and motion picture divisions; Nathan Straus, who will preside, and Samuel Blitz, executive director of "Night of Stars," who will outline the work of various committees.

New P. & G. Serial

Procter & Gamble, through the Compton agency, will start a new dramatic serial, "The Right to Happiness," over the NBC-Blue network, at 11:15 A. M., beginning Oct. 16. It was purchased from the Carl Webster office and is authored by Irna Phillips.

Add 8 Stations

Corn Products Sales Co., sponsors of "Society Girl," drama series aired over CBS, has added eight new stations to the original network of 35, effective Oct. 9. Program is heard Monday to Friday, 3:15 to 3:30 P. M.

War Clause

Seattle, Sept. 18.—Employes of seven theatrical unions, now negotiating with Seattle theatre owners for a new annual contract, will ask the inclusion of a "war clause" in their 1940 agreement. The clause will provide for immediately arbitration of wages in the event that war increases living costs above normal levels. The agreement submitted by the unions asks an increase in wages for lower-bracket employes, and two weeks' vacation with pay in all brackets.

Canadians Dropping Saving Time Sept. 24

TORONTO, Sept. 18.—In spite of industrial requirements in war, a proclamation has been issued providing for the termination of Canadian Daylight Saving Time on Sept. 24.

A product of the World War because of the desire to take as much advantage of natural light as possible and later continued as a benefit for outdoor sports, Daylight Saving was considered in some quarters as advisable for an extended period this Fall but a number of Ontario cities had

Plans Cartoon Studio

HOLLYWOOD, Sept. 18.—Lawrence Fox, Jr., president of General Films, returned here today from London after the outbreak of war forced postponement of "The Man Who Lost Himself," in which he was to have been associated with Leslie Howard. Fox is selecting animators to operate his cartoon studio which opens Oct. 1.

Michael Whalen on Air

Michael Whalen, now in the east, will be interviewed by Radie Harris over the Mutual network today at 7:30 P. M.

'Golden Boy,' Detroit Hit, Pulls $17,500

DETROIT, Sept. 18.—The Fox led the field with $17,500 for "Golden Boy" and 'Charlie Chan of Treasure Island." The United Artists scored $11,500 on "Beau Geste" and the Michigan drew $11,000 with "The Angels Wash Their Faces" and "Stolen Life."

Estimated takings for the week ending Sept. 14:

"Bachelor Mother" (RKO)
"Fixer Dugan" (RKO)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $4,800. (Average, $5,000)
"Man About Town" (Para.)
"Captain Fury" (U. A.)
FISHER—(2,800) (15c-40c) 7 days. Gross: $4,300. (Average, $4,500)
"Golden Boy" (Col.)
"Charlie Chan of Treasure Island" (20th-Fox)
FOX—(5,000) (25c-55c) 7 days. Gross: $17,500. (Average, $12,000)
"The Angels Wash Their Faces" (W. B.)
"Stolen Life" (Para.)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: $11,000. (Average, $10,000)
"The Star Maker" (Para.)
"Island of Lost Men" (Para.)
PALMS—(3,000) (15c-50c) 7 days. Gross: $4,800. (Average, $5,000)
"Beau Geste" (Para.)
UNITED ARTISTS—(2,100) (15c-55c) 7 days. Gross: $11,500. (Average, $10,000)

Dallas Suit Names Interstate Circuit

DALLAS, Sept. 18.—L. L. Dunbar, Dallas independent exhibitor, has filed suit in Federal Court here against Interstate Circuit, Inc., and Karl Hoblitzelle, Interstate president, asking damages of $54,443.

Dunbar charges Interstate with having induced major distributors to require that he charge 25 cents admission for his second run films, whereas his price had been 20 cents.

Dunbar also claimed that Interstate caused a ban against double features, which led to a sharp decrease in his business, since he previously had specialized in duals. For six years up to 1925, he claimed, he had shown an annual profit of $6,000. The following three years his profit amounted to $414.80. He asks triple damages under the Federal laws.

Claims Wisconsin Game Is Lottery

MILWAUKEE, Sept. 18.—Wisconsin lottery laws compel the police to suppress Hollywood, theatre game. Omar T. Monahon, assistant city attorney, has replied to an action filed in Federal District Court here by Hollywood Amusement Co., Inc., Chicago, to restrain Police Chief Joseph T. Kluchesky from interfering with the playing of the theatre game.

Hearing on the petition is scheduled to be held before Federal Judge F. Ryan Duffy on Sept. 22. The amusement company contends Hollywood is a game of skill, not subject to the recent Wiscosin State Supreme Court decision holding Bank Night a lottery.

Interview Mamoulian

Rouben Mamoulian will be interviewed on the "If I Had the Chance" program tonight over the NBC-Blue network at 10:30 o'clock.

"Complete"

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O. H. REYNOLDS
Manager

HOLLYWOOD THEATRE
PORTLAND, OREGON

[MOTION PICTURE HERALD, $5.00 *a year Domestic;* $10.00 *Foreign;* 52 *issues with which is combined* BETTER THEATRES, 13 *issues yearly.*]

MOTION PICTURE HERALD

ROCKEFELLER CENTER • NEW YORK

Offer Saturday Night Pictures Via Television

NBC has arranged a new television schedule. Besides other innovations the network will add a Saturday evening program for the presentation of a feature motion picture from 8:30 to 9:30 o'clock, which is the peak theatre hour.

The new schedule, by which the network expects to gain a wider audience, becomes effective Sept. 26. It will shift the present balance between daytime and evening telecasts. The new schedule will immediately add one evening program a week and later a second, so that in a short time one daytime and one evening show will be available five days a week.

Daytime programs, under the new plan, will be telecast five afternoons a week—Tuesdays through Saturdays—starting at 2:30 o'clock. Studio variety hours, including short film subjects, will be telecast on the Tuesday and Friday matinees. Outdoor events will fill the Wednesday, Thursday and Friday periods.

Evening studio programs will continue at the present hour, four times a week, Tuesdays through Fridays. Two of these will continue as dramatic hours; the other two will be variety presentations. The Saturday hour for film presentations will be filled in shortly.

BANNER RADIO LINES

By JACK BANNER

EDDIE CANTOR'S deals to return to the air are definitely cold for the moment. Instead of starting a new radio show, the comedian will take a number of performers who appeared with him in his former series on a personal appearance tour, opening in Pittsburgh in about two weeks.

CANADIAN BROADCASTING CORP. is using the monitor system for the constant checking of all programs from the United States, according to Canadian sources, particularly those of an extemporaneous nature, to black out any semblance of propaganda or undesirable declarations in view of the war. The monitor is an official listener who is able to cut any program within seconds.

No restrictions have been placed on the big commercial programs originating here and fed to Canada. Lux "Radio Theatre" has returned to Canadian stations to keep company with the Maxwell House "Good News" and "Chase & Sanborn" hours. Other U. S. commercial programs that will shortly appear over CBC are "Silver Theatre," and Lever Bros., Fleischmann and Standard Brand programs.

OF LATE A SHARPLY INCREASING number of programs devoted to broadcasting information about horse race results have made their appearance over various New York City stations. WHN is accepting this type of business. WMCA is doing likewise, but the station most heavily laden with it is WINS. The latter broadcasts horse results in a code which is understandable only to those who purchase a specific horse race sheet at the newsstands. Results are broadcast the entire afternoon, with regular programs subject to constant interruptions to broadcast flashes on the winners. Listeners are frequently urged to purchase this horse sheet.

Because of the intimacy of radio, this is regarded as a highly questionable type of business for a station to accept. Business of this sort can hardly be classified as broadcasting in the "public convenience, interest and necessity." Radio has voluntarily banned—or the F.C.C. has refused to allow the industry to accept—all forms of speculative finance and real estate intended to promote the purchase of stocks and bonds; many types of personal hygiene products and cathartics; all forms of fortune telling, etc. It seems to us that the broadcasting of horse racing results can readily be placed in the "unwelcome business" category. Stations that will not voluntarily act to find such business unacceptable should be compelled by the F.C.C. to exercise discrimination.

London Seeks More Liberal Theatre Hours

LONDON, Sept. 18.—New efforts are expected this week on the part of the joint trade council of exhibitors and distributors, representing the Cinematograph Exhibitors' Association and the Kinematograph Renters' Society, to obtain further extension of the hours during which film houses in the West End of London are permitted to remain open.

The British Home Office last week promised to receive further views on the hours of opening in view of experience. It is particularly desired that newsreel theatres be given some concessions in the matter of hours.

Protest Newsreel Censorship

The joint meeting of trade organizations this week probably will decide on sending another deputation to Whitehall.

The Association of Cine Technicians has joined up in the agitation against the censorship of newsreels by the British Board of Film Censors. Technicians have informed the Ministry of Information that they believe the trade body is unsuitable for such a purpose, and that the Ministry should retain direct responsibility over the censorship of newsreel material.



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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 56 NEW YORK, WEDNESDAY, SEPTEMBER 20, 1939 TEN CENTS

M-G-M Fixes Sales Policy On Code Plan

Cancellations Are From 20 to 10 Per Cent

Details of M-G-M's sales policy that will govern its 1939-'40 film deals were disclosed yesterday by the company.



W. F. Rodgers

A feature is "an increased and unrestricted elimination privilege" ranging from 20 per cent to 10 per cent, depending on the average rental cost.

M-G-M is the second company to present a sales plan, Warners having done so recently. It embodies salient concessions which were included in the proposed industry trade practice code. William F. Rodgers, general sales manager of M-G-M, was chairman of the distributors' code negotiating committee.

M-G-M's statement of policy follows:

"M-G-M reaffirms its previously announced policy of not insisting upon short subject, newsreel or trailer representation as a condition of licensing its feature productions, and to those who do lease these units the weekly payment plan is optional.

"That score or recording charges will not be made on any contracts for its 1939-'40 product signed subsequent to January 1, 1939.

"That it will gladly negotiate for some run of its product with any properly conducted theatre, providing

(*Continued on page* 8)

Warner Club Golf Tourney Winners

One hundred and fifty persons participated yesterday in what was acclaimed as the most successful golf tournament in the history of the New York Warner Club. The tourney took place at the Glen Oaks Golf Club, Great Neck, L. I.

Winners were:

First low gross score, Leonard Palumbo; first low net gross "A," Jules Girden; first low net gross "B," Al Blum; nearest to pin, Ed Schreiber; longest drive, Lester Rieger; putting,

(*Continued on page* 2)

Newsreels Exempt By French Decree

Washington, Sept. 19.—Importation of newsreels into France have been exempted from the import license requirements established by decree of Sept. 1, but remain subject to the exchange certificate requirement and censorship, according to advices to the Department of Commerce from the American Embassy in Paris.

It is understood that other motion picture films remain subject to the import license requirements, as well as to the recently announced general exchange control.

8,000 Ballot Today In Studio Elections

HOLLYWOOD, Sept. 19. — Approximately 8,000 studio craft workers will cast secret ballots tomorrow to settle one of the most important disputes in the film industry in recent months.

The election, ordered by the National Labor Relations Board, will determine the collective bargaining agency for the workers. Both the I.A.T.S.E. and the CIO-financed United Studio Technicians Guild are involved in the fight.

Balloting will begin at 6 a. m. and continue until midnight. Counting will start immediately after the polls are closed. Results will be announced officially about 3 a. m. Thursday.

Last minute campaign drives were made by both sides as the I.A.T.S.E. delayed until Thursday its bargaining conferences with the producers.

HAYS HITS TRADE MEDDLING BY U. S.

Shakeup for N. Y. Anti-Trust Division

A shakeup in the New York office of the Department of Justice anti-trust division, which was exclusively forecast in MOTION PICTURE DAILY on Monday, was carried out by Thurman Arnold, special assistant in charge of the division, who came here from Washington yesterday for the purpose.

Most important changes made in the local office by Arnold will send Berkley W. Henderson, head of the New York office, and his assistant, William McGovern, to Washington. Fred Whalen, a member of the local staff for the past several months, will be in nominal charge of the office thereafter without an assistant such as Henderson had in McGovern.

It is understood that Henderson's transfer to Washington is temporary and he may be reassigned to another locality later. The changes are effective Friday.

With the curtailment of the personnel of the New York anti-trust office a corresponding curtailment of its activities is believed likely. Substantiating this is the Washington decision to transfer a number of pending anti-trust actions here to the supervision of John T. Cahill, U. S. District Attorney for the Southern district. The suit against the major film companies, however, will remain in the anti-trust division's office under Whalen.

No explanation of the changes was forthcoming from either Arnold or Federal offices here yesterday.

Defends Industry Against Federal Harassment In Coast Speech

LOS ANGELES, Sept. 19.—Hitting at Governmental harassment of the industry for the first time since the campaign of litigation by the Department of Justice was begun 14 months ago, Will H. Hays, M.P.P.D.A. president, in a speech today to the Regional Trust Company Conference of the Pacific Coast and Rocky Mountain States being held here, said:



Will H. Hays

"If two or more groups are in competition and one is seeking to gain advantages over the other by Government regulation, then it is clearly not the business of the Government to take sides."

Echoing sentiments frequently heard within the trade, but not voiced publicly until today, Hays left no doubt in listeners' minds that his references were concerned with the industry's problems originating with Governmental activities, including proposed regulatory legislation.

"A true Government is not just the protector of an innocent public against rapacious business," Hays said. "It is the trustee of the interests of business as well. It is the protector of the interests of business and the promoter of its soundness and its health."

"I have had an opportunity to observe both the world of politics and and the world of business," he continued. "And my sober conclusion after many years is that the public interest is as strictly respected and observed in business as it is in Government.

"In the relations of business with Government—the common Government which we all recognize as our servant and our means of mutual existence—confidence is a prime necessity. Business must believe that members of the Government themselves are observing fundamental principles of trusteeship. It holds in its hand the safety of the people, their property, their profits, their lives. And

(*Continued on page* 8)

Grosses Showing Marked Upturn, Reach $1,490,144

With the impetus supplied by a Labor Day weekend of unusually attractive proportions, key city theatre grosses showed a spectacular upturn for the week ending Sept. 7-8, reaching a total for 145 theatres of $1,490,144, according to MOTION PICTURE DAILY's compilation of weekly receipts.

The aggregate for the most recent period was the highest attained since the week ending last Feb. 9-10, when 147 theatres reported a total gross of $1,494,600.

The upward trend of grosses in the past few weeks is indicated by the totals for recent weeks. For the period ending Aug. 24-25, the total was $1,401,150 from 140 houses; week ending Sept. 31-Oct. 1, the total was $1,410,800 from 147 theatres.

Among recent outstanding pictures which are credited with being responsible for the increase in grosses, in addition to the opening of the Fall season, returned vacationists and similar seasonal developments, were: "The Man in the Iron Mask," "The Women," "The Old Maid," "The Wizard of Oz,"

(*Continued on page* 8)

Radio to Air Murphy Talk At Coast Fete

Principal speaker at the Motion Picture Democratic Committee banquet in Beverly Hills next Monday will be U. S. Attorney General Frank Murphy, who will fly from Washington especially for the occasion.

Principal function of the banquet will be to honor the producer of the picture, which in the committee's opinion has contributed the most to the ideals of democracy.

Melvyn Douglas will be toastmaster for the event, which will be broadcast over the NBC-Blue network from 12:30 to 1 a.m.

Those expected to attend include James Roosevelt, Dashiell Hammett, chairman of the committee sponsoring the award; John Ford, vice chairman; Miriam Hopkins, Fredric March, Franchot Tone, Dudley Nichols, Donald Ogden Stewart, and others of the film colony.

Carolina Exhibitors Asking Concessions

CHARLOTTE, N. C., Sept. 19.—The board of directors of the Theatre Owners of North and South Carolina today passed a resolution requesting distributors doing business with exhibitors in the Carolinas to put into effect trade practices embodying the following points:

Twenty per cent elimination; nonforcing of shorts, trailers, newsreels and accessories; elimination of all score charges; price allocation to be stipulated with notice of availability, and full protection against non-theatrical competition.

It was stated that "many of our exhibitors, under the firm belief that the privileges of certain fair trade practices would be granted, have bought products for the 1939-40 season, and as a consequence are overbought unless the said privileges are granted."

Reissue 'Maginot' Reel

March of Time has reissued the reel on "Inside the Maginot Line," which was released originally in October, 1938.

3 Flights Daily
NEW YORK
TO
LOS ANGELES

It's Cool All the Way!

THE PLAINSMAN
Lv. 7:10 A. M Ar. 12:29 A. M.
THE MERCURY
Lv. 5:10 P. M. Ar. 7:43 A. M.
THE SOUTHERNER
Lv. 10:10 P. M. Ar. 1:55 P. M.

Ask your travel agent or phone HAvemeyer 6-5000. Ticket offices: 45 Vanderbilt Ave. and Rockefeller Center at 18 W. 49th St.

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NATE BLUMBERG, J. J. MILSTEIN, MOE STREIMER, LOU BRECHER, SAM CITRIN, JACK GOETZ, JOSEPH MALCOLM, FRANKLIN UNDERWOOD, LOU IRWIN, HENRY SPITZER at Bob Goldstein's Tavern for lunch yesterday.

•

ARTHUR JONES, WILLIAM SIKES, FRANK CALABRIA, GEORGE DANGERFIELD and WILLIAM GERRITY have been added to the technical staff of March of Time, to work on the feature, "The Ramparts We Watch."

•

FRED ULLMAN, RKO Pathe vice-president, has returned to the New York office from Kansas City, where he made arrangements for the filming of a new Reelism subject.

•

HELEN ERICSON has been given the role originally assigned to NANCY KELLY in "The Blue Bird," SHIRLEY TEMPLE's latest picture for 20th Century-Fox.

•

DR. LEE DEFOREST, talking picture and radio inventor, was honored at a luncheon given by veteran wireless operators at the Hotel Astor yesterday.

•

LOUIS NIZER, of the law firm of Phillips & Nizer, has returned to his office after a seven-week honeymoon trip through Central and South America.

•

EUGEN SCHARIN, head of Transatlantic Films, Inc., has returned to New York after two months in Europe.

•

ROBERT LOWERY, ALEXANDER D'ARCY and EDWARD MARR have been added to the cast of "The City," a 20th Century-Fox picture.

•

JOHN BOLES, making a personal appearance at Shea's in Buffalo, was made an honorary member of the Buffalo American Legion organization.

•

JAMES MULVEY, Eastern representative for SAMUEL GOLDWYN, is expected back in New York tomorrow from the Coast.

•

IRVING MACK, head of Filmack Trailers, is visiting in New York. He leaves for Chicago tomorrow.

•

ERROL FLYNN has returned by plane to the coast from New York for his next assignment at Warners.

•

HARRY SMITH, RKO Pathe production cameraman, is attending a color training school on the coast.

•

FRANK DONOVAN, RKO Pathe production manager, has returned to the New York office from the coast.

•

JOSEPH WOOD of Paramount's accounting department returns Monday after a brief vacation.

•

PAUL DULLZELL, executive secretary of Actors Equity, is taking a short vacation. He returns Monday.

WANTED—EMPLOYMENT

By a young man experienced in every phase of shoe-string production, who has been a script writer, cameraman, and cutter and is also familiar with the requirements of standard and substandard production of educational and sales films. Box 807, MOTION PICTURE DAILY.

S. R. KENT, president of 20th Century-Fox, is due back early in October from Alexandria Bay, where he has been vacationing.

•

Among recent New York visitors were L. J. LUDWIG, Paramount associate with the Minnesota Amusement Co. in Minneapolis; MARY ALYCE WATTS, secretary to GEORGE E. PLANCK, of the Northio Theatres Corp. of Marion, Ohio and KERMIT HIGH, manager of the Carolina Theatre in Burlington, N. C.

•

JONAS ROSENFIELD, JR., of the Warner home office advertising department, will be married tonight to IDA J. REED. The wedding will take place at the home of the bridegroom's parents in Sunnyside, L. I. The couple will leave on a motor trip tomorrow to Pennsylvania.

•

JOSEPH BERNHARD, Warner Theatre head, returned to his desk yesterday after having been ill at home with the grippe since Friday.

•

EARLE W. HAMMONS, Educational-Grand National president, returned to New York last night following a business trip to Washington.

•

HECTOR DODS, chief cutter for 20th Century-Fox, has returned to the Coast after delivering a print of "Here I Come a Stranger" to the home office.

•

HARRY GOLDBERG, publicity director for Warner theatres, attended a managers' meeting in Albany yesterday.

•

ROBERT MONTGOMERY visited with HOWARD DIETZ and others at M-G-M yesterday.

Warner Club's Golf Tourney Winners

(*Continued from page* 1)

Gene Werner; best dressed golfer, Sam Rinzler. Special prizes were awarded to trade press representatives.

Executives attending the tournament and the dinner in the evening included Major Albert Warner, Harold Bareford, I. F. Dolid, H. M. Doherty, S. F. Friedman, Jules Girden, John Glynn, Roy Haines, Ed Hinchy, Joseph Hummel, Saul Immerman, Barney Klawans, Stewart McDonald, Karl Macdonald, Norman Moray, T. J. Martin, Frank Phelps, Harry Rosenquest, C. C. Ryan, Harold Rodner, Leonard Schlesinger, Arthur Sachson, Herman Starr, Sam Schneider, Ed Schnitzer, Abel Vigard, Rudy Weiss, Jacob Wilk and Jack Warner, Jr.

Gradwell L. Sears was master of ceremonies at the dinner.

'Harvest' Opens Oct. 2

"Harvest" French film distributed by French Cinema Center, Inc., which was passed by the Board of Regents after an original ban by the New York State censor, will open at the World on Oct. 2.

Thomas Shea Dies

BUFFALO, Sept. 19.—Thomas Shea, 77, brother of the late Michael Shea, theatre owner, died at his home after an illness of six months. For 43 years, he operated a cafe and confectionery. Funeral services were held yesterday in St. Joseph's New Cathedral.

Newsreel Parade

War news continues to be featured in the newsreels. Issue of Paramount News was released on Monday. The reels and their contents follow:

MOVIETONE NEWS, No. 3—Activity in French Chamber of Deputies. Chamberlain carries gas mask. Duchess of Kent assists workers in British hospital. Pictures of British plane carrier *Courageous*. Survivors of torpedoed ships arrive in New York. Welles leaves for Pan-American conference. *Squalus* in dry dock. Lew Lehr. National tennis championships. Golf tournament.

NEWS OF THE DAY, No. 201—*Courageous* on patrol. King and Queen tour London. Windsors return to England. Conquest of Poland. *Washington* and *Aquitania* arrive from Europe. Fire at Coney Island. Tennis finals. Golf tournament.

PARAMOUNT NEWS, No. 6—European conflict: German airplanes in Poland; Nazi troops on march; German training ship bombarding Westerplatte, Polish fort; devastated towns and cities in Poland; shots of Warsaw.

RKO PATHE NEWS, No. 18—Air raid precautions in England. Welles off for Pan-American conference. Fire at Coney Island. *Washington* arrives from Europe. Ward wins golf crown. National tennis matches.

UNIVERSAL NEWSREEL, No. 807—Russia invades Poland. War news in England; Duchess of Kent lends hand in hospital; Windsors arrive home; sandbag wedding; film houses reopen. War refugees arrive in America. *Squalus* in dry dock. Fire at Coney Island. Danish training ship en route to New York. Welles discusses neutrality. Golf championships. Tennis finals.

RKO Hearing Faces New Postponement

A hearing on the RKO reorganization, scheduled for today before Federal Judge Alfred C. Coxe, is expected to be postponed for two or three weeks to await the return from vacation of Federal Judge William Bondy. The latter, who has jurisdiction over the reorganization proceedings, is expected here from the West Coast on Oct. 2.

Paramount Pep Club Plans Dance Oct. 27

Pep Club, Paramount employe organization, will hold its annual dance Oct. 27 at the Hotel Astor. Orchestra selection and other arrangements will be made when Joseph Wood, president, returns from a vacation Monday. Al Stefanic, entertainment chairman, is in charge of the affair.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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NORMA SHEARER • JOAN CRAWFORD • Rosalind Russell *in* "THE WOMEN" *with* Mary Boland Paulette Goddard • Phyllis Povah Joan Fontaine • Virginia Weidler Lucile Watson • From the Play by Clare Boothe • By Arrangement with Max Gordon Ploys and Pictures Corporation • Screen Ploy by Anito Loos and Jane Murfin • Directed by George Cukor • Produced by Hunt Stromberg.

"The Women"
Hold-over Hit!

EDWARD G. ROBINSON *in* "BLACKMAIL" *with* Ruth Hussey • Gene Lockhart • Bobs Watson • Screen Play by David Hertz and William Ludwig • Directed by H. C. Potter Produced by John W. Considine, Jr.

"Blackmail"
Socko!

WALLACE BEERY *in* "THUNDER AFLOAT" *with* Chester Morris Virginia Grey • Screen Ploy by Wells Root and Commander Harvey Hoislip Directed by George B. Seitz • Produced by J. Walter Ruben.

"Thunder Afloat"
World-Premiere Washington, D. C. Sensational!

"DANCING CO-ED" *with* Lono Turner • Richard Carlson • Artie Show and his Band • Ann Rutherford Lee Bowman • Thurston Hall • Leon Errol • Directed by S. Sylvan Simon Produced by Edgar Selwyn.

"Dancing Co-ed"
Sweet and Hot!

FRANCHOT TONE & ANN SOTHERN *in* "FAST AND FURIOUS" *with* Ruth Hussey • Lee Bowman • Allyn Joslyn John Miljan • Bernard Nedell • Mary Beth Hughes • Original Screen Play by Harry Kurnitz • Directed by Busby Berkeley • Produced by Frederick Stephani.

"Fast and Furious"
Swell!

GRETA GARBO *in* "NINOTCHKA" *with* Melvyn Douglas • Ina Claire An Ernst Lubitsch Production • Screen Play by Charles Brackett, Billy Wilder and Walter Reisch • Based on the Original Story by Melchoir Lengyel Directed by Ernst Lubitsch.

"Ninotchka"
Surefire!

Groucho-Chico-Harpo MARX BROS. "AT THE CIRCUS" *with* Kenny Baker Florence Rice • Eve Arden • Margaret Dumont • Nat Pendleton • Screen Play by Irving Brecher • Directed by Edward Buzzell • A Mervyn LeRoy Production.

Marx Bros. "At The Circus." **Big!**



GO!

(and keep going because this is just Sept. & Oct.!)

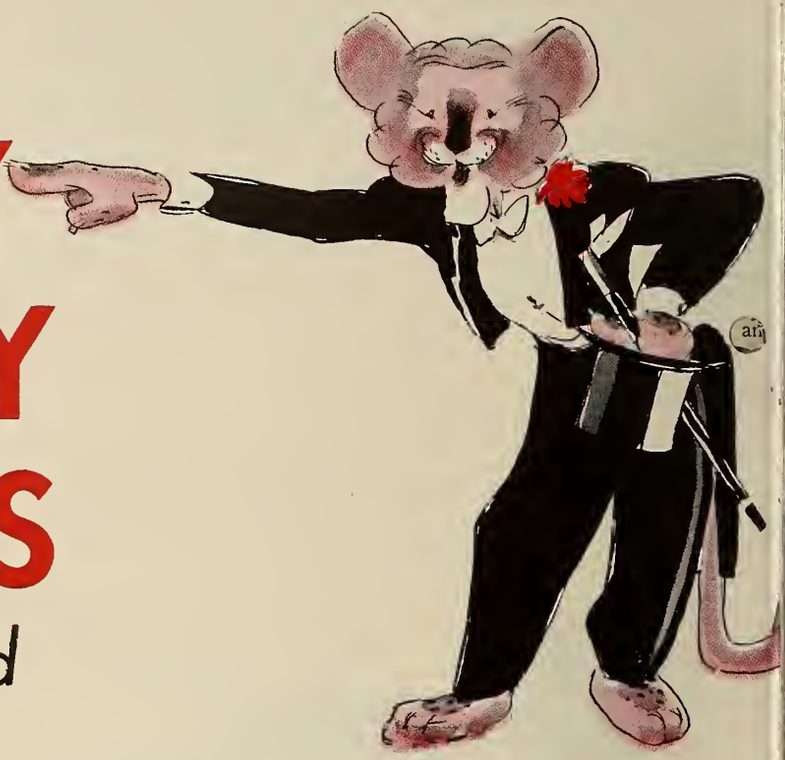
"BABES IN ARMS"
HOUSTON PREMIERE BIGGEST IN 5 YEARS!

MICKEY ROONEY & JUDY GARLAND *in* "BABES IN ARMS" *with* Charles Winninger • Guy Kibbee • June Preisser • Groce Hayes • Betty Jaynes • Douglas McPhail • Rond Brooks • Leni Lynn • John Sheffield Screen Ploy by Jock McGowon and Kay Van Riper • Based on the Ploy by Richard Rodgers and Lorenz Hort • Directed by Busby Berkeley Produced by Arthur Freed.

METRO-GOLDWYN-MAYER

and turn the page please

THE FRIENDLY COMPANY REAFFIRMS



its previously announced policy of:

Not insisting upon short subject, newsreel or trailer representation as a condition of licensing its feature productions, and to those who do lease these units the Weekly Payment Plan is optional.

That score or recording charges will not be made on any contracts for its 1939-40 product signed subsequent to January 1st, 1939.

That it will gladly negotiate for some run of its product with any properly conducted theatre, providing the acquisition of such business would not seriously affect its revenue from any prior run.

That it will recognize the desires of its customers to select days of their choice for the showing of percentage pictures where guarantees are given.

That it will respect any legitimate claim for the elimination from its contract of any picture likely to be offensive or objectionable to its customers' patrons from religious, moral or racial grounds.



AND IN ADDITION:

It will offer to its customers who have leased all product offered, and who are not in material default, an increased and unrestricted elimination privilege of:

(continued above)

(continued)

20% elimination of features licensed where the average rental is $100 or less.

15% elimination of features licensed where the average rental is in excess of $100 and not more than $250 and

10% elimination of features licensed where the average rental is in excess of $250.

Also will give full consideration to its customers' requests for the interchanging of a picture that is deemed to be unsuitable for preferred time showing.

And where a theatre's prior commitments prevents it leasing the company's entire output it will in such cases gladly negotiate for a lesser number of pictures, including those available subjects in which the theatre is particularly interested.

It will continue to provide an Optional Arbitration Clause in its contracts and will arbitrate under such provision any claims made for breach of contract.

It is now preparing a new form of license agreement. A rider will be submitted for the signature of those who desire to operate under the new conditions and who had previously signed an application for its 1939-40 product. That all may have a full knowledge of the complete contract, each is requested to read the new agreement when submitted, thoroughly and carefully.

It has no present method of adjudicating clearance disputes or those affecting over-buying, but will conscientiously review any complaints brought to its attention and will continue to lend its every effort to bring about a more harmonious understanding.

Its established policy of supporting its satisfactory customers, the fair method of designating pictures and other relationship with the trade is so well known that it is not believed necessary to reaffirm that which by performance over many years is so well established.

It seeks the continued support of its customers and acknowledges its debt of gratitude to those who have in the past expressed their confidence in its policy by their uninterrupted patronage.



(signed)

Leo

FOR THE FRIENDLY COMPANY

Theatre, Personnel Changes

Manager Gets Leave

MADISON, Wis., Sept. 19.—Edward Benjii, manager of the Capitol here, has been granted a month's leave of absence to go to Hot Springs, Ark., for his health.

Reopen in Green Bay

GREEN BAY, Wis., Sept. 19.—Standard Theatres, which recently acquired the Grand here, will reopen the renovated house Sept. 24 as the Packer. The new name is in honor of the Green Bay Packers, professional football team.

Rosener Buys in Seattle

SAN FRANCISCO, Sept. 19.—The Metropolitan in Seattle, to show foreign pictures exclusively, has been acquired by Herbert Rosener, operator of eight other foreign language film houses throughout western cities.

May Hold Summer Prices

SAN FRANCISCO, Sept. 19.—Continuation through the winter of the low summer admission price schedule, in effect here since May, is reportedly under consideration by four downtown first run houses operated by Fox West Coast. Theatres affected would be the Fox, Paramount, Warfield and St. Francis.

Detroit Madison to Open

DETROIT, Sept. 19.—The Madison, which has been closed during the past year and a half, will open this week under a policy of three shows a week. The 1,500-seat house is operated by the Madison Theatre Corp., with Arthur Robinson as general manager.

Opens Theatre in Kansas

KANSAS CITY, Sept. 19.—Gus Diamond, who operates theatres in Salina and Arkansas City, Kan., has opened the new Roxy at El Dorado, Kan., a 550-seat house, which is being managed by E. H. Siler, formerly with Glen W. Dickinson Theatres, Inc.

Maryville, Mo., Opening

MARYVILLE, Mo., Sept. 19.—C. E. Cook will open his new 800-seat Tivoli here on Sept. 27, and has sent out a general invitation to the trade to participate in the activities, which will include a golf tournament and a buffet supper in the evening.

Building in Nebraska

KANSAS CITY, Sept. 19.—Oscar C. Johnson has started construction of a new 500-seat theatre, to be called the Rivoli, in Falls City, Neb. Johnson operates the Rivoli and Electric there.

Switch Canadian Managers

TORONTO, Sept. 19.—An exchange of managers has been effected by Famous Players Canadian Corp. in Ontario by the switching of Kenneth Craig, Capitol Theatre, Cobourg, and R. J. Harrison, manager of the Capitol at St. Catharines.

Approve Sunday Films

KANSAS CITY, Sept. 19.—Smith Center, Kan., has voted, 368 to 307, in favor of Sunday films.

New York Preview

"Torpedoed"

(Film Alliance of the U. S.)

The chief recommendation of this British produced picture is the title, which, in this time of war excitement, and by reason especially of the content of the daily newspaper headlines, takes on a highly saleable character. Produced by Herbert Wilcox, the film is moderately entertaining fare, made, with respect to its sea scenes, with the cooperation of the British Admiralty.

Despite the title implication, the film is not concerned with submarine warfare, but deals with the successful efforts of a small British cruiser to protect British nationals in the West Indies during a native uprising.

There are at least three names of marquee caliber for American audiences in a cast which is otherwise English and unknown in this country. The three are H. B. Warner, as the British consul in the center of the uprising; Richard Cromwell, as a young lieutenant aboard the cruiser, and Noah Beery, as the deposed president of the fictitious country. Other cast leaders are Robert Douglas, commander of the cruiser, and Hazel Terry, Warner's daughter, with whom Douglas and Cromwell are in love.

Norman Walker directed from an adaptation of a story by "Bartimeus," and, although the film's pace lags at times and there often is an atmosphere of artificiality, the battle scenes in the shelling of the British consulate by the large battleship taken over by the rebels, and the fight of the battleship and the British cruiser, are strong material. The cruiser finally resorts to two torpedoes to destroy the rebel warship.

Running time, 66 minutes. "G."* CHARLES S. AARONSON

**"G" denotes general classification.*

Seek Compromise On Play Financing By Film Companies

After several months of unsuccessful efforts to obtain a quorum, the Dramatists Guild council will meet this afternoon to consider once again the problem of inducing film companies to resume the backing of Broadway plays.

The council's proposal for $15,000 down payment plus a royalty based on the play's run has been rejected by film negotiators. A possible compromise will be considered today. No definite action is expected at this afternoon's meeting, however.

Film companies seek a reduction of the initial $15,000 payment and also want percentage payments of the play's gross cut down. As financial backers of the play, film companies, of course, would receive part of their payments back from the producer, who is entitled to 40 per cent of the dramatist's share. However, if the play never reaches production, or does not continue for three weeks, all rights return to the playwright, who would then retain the entire payment.

Missouri Sponsors U. S. Music Project

KANSAS CITY, Sept. 19.—The Federal Music Project has been turned over to the WPA state administration and the State Department of Education has become the sponsor of the project in Missouri. Local sponsors remain the same. The St. Louis WPA orchestra, with 40 players, has given over 1,000 free concerts since January, 1937, to over 250,000 in elementary and high schools in St. Louis and St. Louis County. In Kansas City the WPA orchestra is composed of 34 men, and has presented similar concerts as well as appearing over the radio.

Appropriate

Kansas City, Sept. 19.—They were showing "Paroled from the Big House" the other night at the Regent while someone manipulated the dial of the theatre safe and escaped with $300, the day's receipts. Whether the thief stopped to see the picture after the theft, Edward Mansfield, manager, couldn't say.

'Dust' Is Capital's Lead with $17,000

WASHINGTON, Sept. 19.—"Dust Be My Destiny" and "Blackmail" each scored $17,000. The former was at Warners' Earle, and latter played Loew's Capitol.

Estimated takings for the week ending Sept. 14:

"Blackmail" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-66c) 7 days. Stage: Vaudeville. Gross: $17,000. (Average, $16,500)

"Four Feathers" (U. A.)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days. 2nd run. Gross: $4,800. (Average, $4,500)

"The Wizard of Oz" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. 2nd week. Gross: $10,000. (Average, $12,000)

"In Name Only" (RKO)
RKO-KEITH'S—(1,836) (25c-55c) 7 days. 2nd week. Gross: $6,600. (Average, $6,000)

"Dust Be My Destiny" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Vaudeville. Gross: $17,000. (Average, $16,000)

"The Old Maid" (W. B.)
WARNERS' METROPOLITAN — (1,591) (25c-40c) 7 days. 2nd run. Gross: $4,900. (Average, $4,000)

Call Ohio ITO Board

COLUMBUS, Sept. 19.—P. J. Wood, secretary of the I.T.O. of Ohio, has called a meeting of the board of directors to formulate final plans for the annual convention to be held early in November.

Night of Stars Will Get Film Leaders' Aid

Committees arranging for the "Night of Stars" to be held at Madison Square Garden Nov. 15 for refugee settlement in Palestine have been enlarged by the inclusion of leaders in the film industry.

Honorary chairmen of the producing committee are Barney Balaban, David Bernstein, Nate J. Blumberg, Jack Cohn, George J. Schaefer, Joseph M. Schenck, Murray Silverstone and Albert Warner. Louis K. Sidney of Loew's is chairman of the committee and Marvin H. Schenck and Ben A. Boyer associate chairmen.

Members of the committee are also Irving Berlin, Maxwell Anderson, William A. Brady, Eddie Cantor, Samuel Chotznioff, Alan Corelli, Max Gordon, George Jessel, Leon Leonidoff, Billy Rose, Elmer Rice, John Shuberg, Alexander Smallens and others.

In a message to Nathan Straus, chairman of the "Night of Stars," read at a luncheon of committee members yesterday at the Hotel Astor, Mayor F. H. LaGuardia characterized the event as the rallying point of all creeds in the entertainment field against intolerance and homelessness. Mayor LaGuardia has accepted the honorary chairmanship of the affair.

'Women' at $15,900 Kansas City Leader

KANSAS CITY, Sept. 19.—"The Women," with "They All Come Out," drew $15,900 at Loew's Midland despite late summer heat. "Beau Geste" at the Newman took $10,300. The Jitterbug Jamboree at the Municipal Auditorium and baseball provided competition.

Estimated takings for the week ending Sept. 12-14:

"Stanley and Livingstone" (20th-Fox)
ESQUIRE—(800) (25c-40c) 5 days, 2nd week. Gross: $1,100. (Average, $2,200)

"The Women" (M-G-M)
"They All Came Out" (M-G-M)
MIDLAND — (4,000) (25c-40c) 7 days. Gross: $15,900. (Average, $11,500)

"Beau Geste" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $10,300. (Average, $7,000)

"Each Dawn I Die" (W. B.)
"Everybody's Hobby" (RKO)
ORPHEUM—(1,500) (25c-40c) 7 days, 2nd week. Gross: $3,600. (Average, $5,000)

"Mr. Moto Takes a Vacation" (20th-Fox)
TOWER—(2,200) (25) 7 days. Stage: Nixon & Sans, Ted & Art Miller, Dennett & Dae, Novaline Payne, Don Harris, Milton Frank. Gross: $4,300. (Average, $5,000)

"Stanley and Livingstone" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 5 days, 2nd week. Gross: $1,800. (Average, $2,800)

Commonwealth Sets Outing for Sept. 27

KANSAS CITY, Sept. 19.—Commonwealth Theatres will hold their annual "King of the Sun" convention and outing at the Osage Beach Hotel, Lake of the Ozarks, Sept. 27 and 28. Chief topic of discussion will be the company's 14-week Fall and Winter campaign which ends Jan. 6.

Winners of the 1939 Summer campaign, the King of the Sun promotion, are Rex Barrett, Columbia, Mo.; D. E. Fitton and Doyle Branscum, Harrison, Ark.; Raymond McKittrick, Harrisonville, Mo.; M. B. Smith, Garden City, Kan., and Lee Miller, Ashland, Kansas City, Mo.

NEW FAVORITES

EASTMAN'S three great new films back up their special characteristics with typical Eastman reliability and uniformity. Worthy successors to earlier Eastman emulsions, they are the new raw-film favorites of the motion picture industry. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN

PLUS-X
for general studio use

SUPER-XX
for all difficult shots

BACKGROUND-X
for backgrounds and general exterior work

M-G-M Fixes Sales Policy On Code Plan

(Continued from page 1)

the acquisition of such business would not seriously affect its revenue from any prior run.

"That it will recognize the desires of its customers to select days of their choice for the showing of percentage pictures where guarantees are given.

"That it will respect any legitimate claim for the elimination from its contract of any picture likely to be offensive or objectionable to its customers' patrons from religious, moral or racial grounds.

"And in addition: It will offer to its customers who have leased all product offered, and who are not in material default, an increased and unrestricted elimination privilege of:

"Twenty per cent elimination of features licensed where the average rental is $100 or less.

"Fifteen per cent elimination of pictures licensed where the average rental is in excess of $100 and not more than $250 and

"Ten per cent elimination of features licensed where the average rental is in excess of $250.

Interchanging of Pictures

"Also will give full consideration to its customers' requests for the interchanging of a picture that is deemed to be unsuitable for preferred time showing.

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Hays Criticizes U. S. Government For Harassing Picture Industry

(Continued from page 1)

the measure of a Government's value is the extent to which it is a wise and true trustee of these responsibilities that are temporarily placed upon it."

"In a democracy," Hays said, "there is one and only one principle that should determine the degree to which Government should attempt to regulate the practices of business and industry . . . that the Government should never interfere with business unless it could be clearly demonstrated that the proposed regulation was in the public interest. In short, the burden of proof should always rest upon those who would extend Government control over any aspect of private business.

Unfair to Take Sides

"It follows that, if any business or industry indulges in practice that endangers the health of people, or that contravenes their civil rights, it is the responsibility of the Government to impose regulations on these practices. But, on the other hand, if two or more groups are in competition and one is seeking to gain advantages over the other by Government regulation, then it is clearly not the business of the Government to take sides. The power of the Government should never be used to enable one citizen to exploit another, or to give one branch of an industry undue advantage over another."

The latter declaration was interpreted by industry members as having some application to the activities of Allied States Association in soliciting and obtaining Governmental support for its organizational objectives.

"It often happens," Hays pointed out, "that the larger the concern, the lower is the price to the public. So in terms of the consumer's good, a monopoly is good or bad, not because it is big and powerful, but because it respects or disregards the public interest. Size is not sinfulness. Big things can be good—and little things can be bad.

"Every business and industry which is fair and honest, which is motivated by the desire to serve and not to exploit, should neither be the object of unwarranted legal or legislative attack, nor subject to possible loss of public prestige by such attack."

Warns of Federal Domination

"The people of this nation," he said, "who, in the last analysis, are trustees for the motion picture as an institution, should not forget that, wherever, as in Germany and Russia, the heavy hand of Government has come to dominate it, the motion picture as art has withered. Little, indeed, has remained except crude, crass propaganda."

Hays reviewed the industry's growth and its impressive economic and social significance during the past 20 years, pointing out its contributions to employment, commerce and the arts on the eve of the Golden Jubilee observance of completion of Thomas Edison's first kinetoscope.

"It is no light responsibility to be trustee for the principal amusement of all the people," he said, "to have the responsibility of making that amusement and entertainment of a constantly better standard, technically, artistically, culturally, in social values and in moral content, and to keep it vital.

"Those of us in the motion picture art-industry do, indeed, realize full well the significance of our trusteeship of this essential enterprise at this particular time.

"An element of that trusteeship is the transcendent duty to society now to keep the stream of world entertainment flowing — entertainment which is effective as entertainment and which at its best is inspirational."

Striking an optimistic note for the industry's immediate future in the face of the European war, Hays said:

"In spite of the handicap of serious loss of markets, the motion picture art-industry will do its job. It is the industry's duty, and I believe that this business and all business does well to think first of its duties and responsibilities. The emphasis upon the protection of rights and priviliges will follow."

Hays referred to the national conception of Government, the duties of the individual citizen and the position of the United States in the current world crisis.

Closing with a discussion of the last mentioned subject, Hays urged Americans to keep the country out of war and conserve its strength for the future as the custodian of democracy.

Grosses Show Big Upturn

(Continued from page 1)

"Stanley and Livingstone," "Each Dawn I Die," "The Star Maker," "Beau Geste," "Lady of the Tropics" and "Golden Boy."

Following is MOTION PICTURE DAILY's tabulation of weekly key city grosses since September, 1938:

Sept. 8-9, 1938	138	$1,572,099
Sept. 15-16	137	1,407,481
Sept. 22-23	138	1,382,059
Sept. 29-30	137	1,398,438
Oct. 6- 7	137	1,519,793
Oct. 13-14	138	1,429,288
Oct. 20-21	138	1,430,924
Oct. 27-28	140	1,394,023
Nov. 3- 4	142	1,353,407
Nov. 10-11	141	1,386,939
Nov. 17-18	143	1,323,918
Nov. 24-25	141	1,283,153
Dec. 1- 2	142	1,461,730
Dec. 8- 9	140	1,275,136
Dec. 15-16	134	1,159,371
Dec. 22-23	139	1,041,911
Dec. 29-30	150	1,562,044
Jan. 5- 6, 1939	151	1,829,822
Jan. 12-13	145	1,372,400
Jan. 19-20	146	1,368,322
Jan. 26-27	145	1,345,715
Feb. 2- 3	147	1,469,400
Feb. 9-10	147	1,494,600
Feb. 16-17	146	1,393,100
Feb. 23-24	147	1,417,700
March 2- 3	146	1,400,000
March 9-10	147	1,352,050
March 16-17	155	1,366,800
March 23-24	154	1,439,600
March 30-31	151	1,322,225
April 6- 7	151	1,283,100
April 13-14	154	1,639,300
April 20-21	149	1,432,900
April 27-28	151	1,401,600
May 4- 5	154	1,386,280
May 11-12	155	1,352,845
May 18-19	154	1,318,300
May 25-26	155	1,274,050
June 1- 2	153	1,256,050
June 8- 9	143	1,141,700
June 15-16	141	1,133,950
June 22-23	137	1,150,960
June 29-30	138	1,168,750
July 6- 7	125	1,159,550
July 13-14	136	1,146,600
July 20-21	136	1,130,620
July 27-28	136	1,190,000
Aug. 3- 4	140	1,175,850
Aug. 10-11	137	1,276,750
Aug. 17-18	132	1,233,800
Aug. 24-25	140	1,401,150
Aug. 31-Sept. 1	147	1,410,800
Sept. 7- 8	145	1,490,144

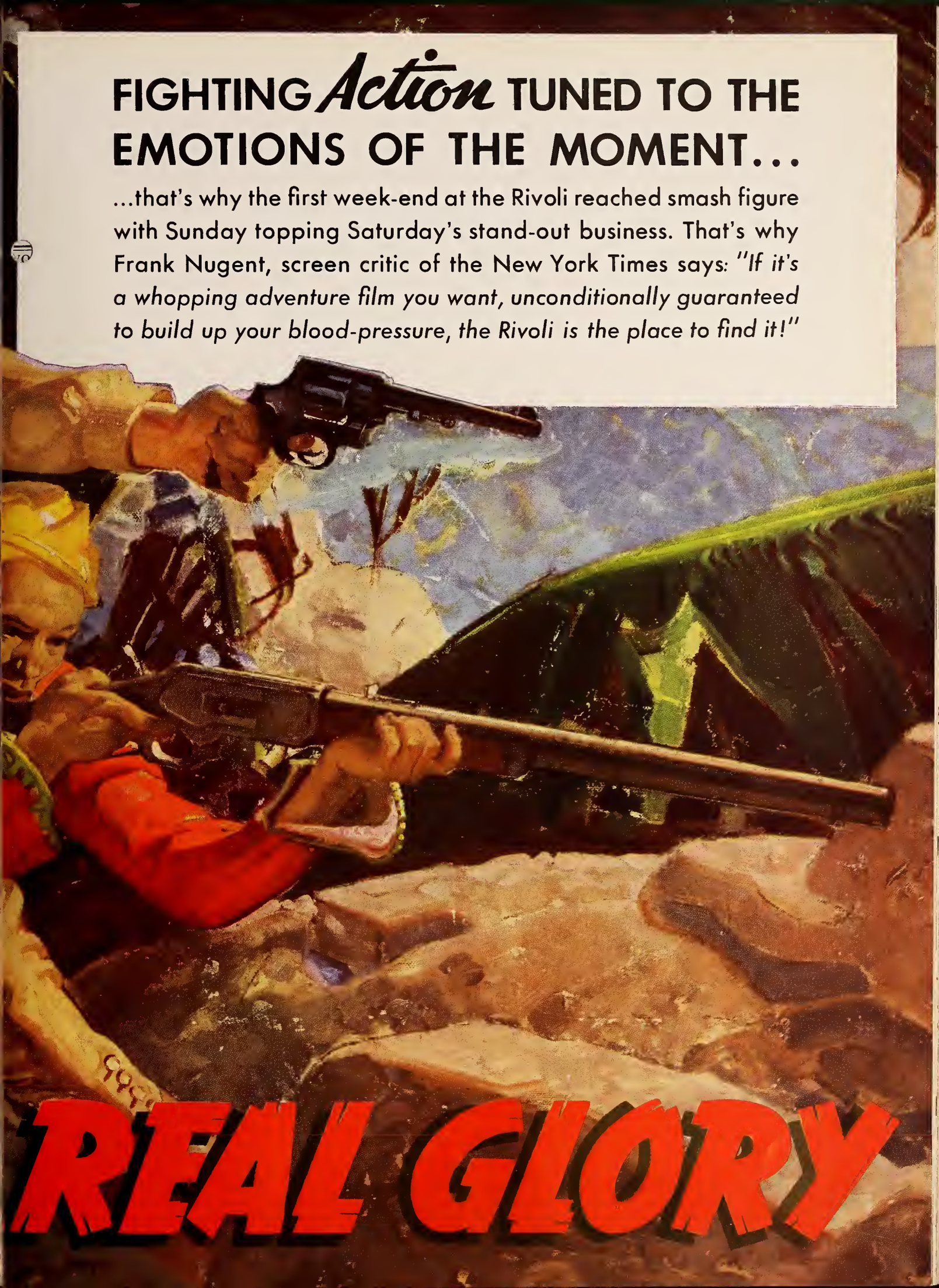
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This Year's
GREAT
GOLDWYN
PICTURE


SAMUEL
GOLDWYN
presents
THE

FIGHTING *Action* TUNED TO THE EMOTIONS OF THE MOMENT...

...that's why the first week-end at the Rivoli reached smash figure with Sunday topping Saturday's stand-out business. That's why Frank Nugent, screen critic of the New York Times says: *"If it's a whopping adventure film you want, unconditionally guaranteed to build up your blood-pressure, the Rivoli is the place to find it!"*




The story of a man and woman to rival WUTHERING HEIGHTS
The story of action-swept adventure to surpass THE HURRICANE
SAMUEL GOLDWYN presents
Gary COOPER
in
THE REAL GLORY
with
DAVID NIVEN • ANDREA LEEDS
REGINALD OWEN
BRODERICK CRAWFORD • KAY JOHNSON
Directed by Henry Hathaway
FROM THE NOVEL BY CHARLES L. CLIFFORD
RELEASED THRU UNITED ARTISTS

Record Roxy Hour

Largest single hour's business in the 12 years of its existence is claimed by the Roxy for the period between 8 and 9 P. M. last Saturday during the ninth day of "The Rains Came." Total of 4,089 paid admissions were received, it was said. Previous record was 3,437 admissions during the run of "Alexander's Ragtime Band."

Theatres Seek to Unravel London Booking Situation

LONDON, Sept. 19.—The joint trade committee, representing the Cinematograph Exhibitors Association and Kinematograph Renters Society (distributors), at its special session on Thursday will consider the problems which have arisen in booking and release of films as a result of new conditions arising from reopening of British theatres.

The delay in the reopening of central London film houses until a week after other theatres in the country has turned many first run houses into second runs. The circuits especially have been seriously hit by the situation.

The meeting will consider adjustments on a mutually agreeable basis. Christmas releases have been transferred by the interruption in business to New Year's, and that condition also will be studied.

Meanwhile, the poor grosses currently being recorded by many of the reopened theatres have caused a reversion to the matinee prices which the trade previously had agreed to abolish during wartime.

The British Government today notified the U. S. Embassy of important financial concessions affecting all American residents, including industry members. Americans now resident in England are exempted from the application of the regulations compelling that all foreign currency and securities be turned over. Nationals of the United States are not compelled to surrender financial securities and balances.

The exemption applies to Americans only and is applicable to no other nationals. United States film distributors are awaiting the decision of the British Board of Trade relative to the transfer of monies abroad. The department is considering a remittance policy, but Americans meanwhile are not disbarred from the normal procedure.

'Celebration'

Mansfield, O., Sept. 19.—In addition to tearing down display signs and other accessories, the front of the Ritz, down town independent, was considerably damaged when pelted with stones, fruit and other missiles by approximately 200 high school students conducting a "pep rally" in "celebration" of the opening of the football season. Manager Sol Bernstein was compelled to stop the show and turn on the house lights.

CBS Opens Football Broadcasts Sept. 30

CBS will open its football schedule on Sept. 30 with a broadcast of the Notre Dame-Purdue contest in South Bend. The game will be described by Ted Husing and Jimmy Dolan. Time for the games will be from 2:15 p.m. to approximately 5:30 p.m.

As in other seasons, CBS has no set schedule for the college contests, but will choose the outstanding game of each week. The only contests already scheduled for broadcast are the Army-Navy game Dec. 2 and the Army-Notre Dame game Nov. 4.

Judell Picks Cast

HOLLYWOOD, Sept. 19.—Ben Judell of Producers Pictures Corp. today announced the signing of Roland Drew, Steffi Duna, Greta Grandstedt, Allan Ladd and Bodil Rosing for top roles in "Hitler—Beast of Berlin" which is due to start tomorrow.

TMAT May Forsake Treasurers' Cause

Theatrical Managers, Agents and Treasurers Union will probably abandon its fight for jurisdiction over treasurers in the legitimate stage field within the next few days. After obtaining an agreement for a contract from the League of New York Theatres for managers and press agents, the union voted to give Gustave A. Gerber, attorney, full power to dispose of the issue with the newly-chartered group of treasurers affiliated with the I.A.T.S.E.

Gerber's attitude, it was learned, is that the group is not worth a fight. Charges of unfair labor practices against the Shuberts are due to come up for hearing Sept. 27 but the charges probably will be dropped.

FP Canadian Cancel Managers' Contest

TORONTO, Sept. 19.—One result of the war has been the cancellation by Famous Players Canadian Corp. of its special managers' bonus competition for a cash prize total of $5,000 which had started Sept. 1, the notification to theatre managers across the country conveying the information that the contest might be conducted at a later date. The special drive was for the 13 weeks to Nov. 30 and was an added inducement to the regular annual bonus system, which has not been abandoned.

The reason for the cancellation of the contest was that conditions had become so unsettled because of the war that no natural basis of comparison with the same period of 1938 could be determined, the special awards being decided on extra profits over the corresponding quarter of last year.



YOU CAN'T

FLASH!

St. Louis, Sept 14—Crowds choke 4600-seat St. Louis Theatre here trying to see new uncensored version of "All Quiet on the Western Front" in test engagement! Business five times normal gross!



The guns spew again! Men are mad again! The world faces a crimson hell again! Millions want to know—*what does it all mean?*



And the answer is here!

AN ANSWER—uncensored, showing what had to be hidden before!

AN ANSWER—up-to-date, penetrating behind the screaming headlines of today!

AN ANSWER—more vital, echoing the thoughts that fill the minds of men now!

THE GREATEST WAR PICTURE OF ALL TIME —MORE TIMELY NOW THAN EVER BEFORE!



UNIVERSAL HAS PRINTS READY NOW!

BLACKOUT TRUTH!

At Last!
The UNCENSORED* Version

ALL QUIET ON THE WESTERN FRONT



*Uncensored by war or military authorities!

Universal's presentation of Erich Maria Remarque's Greatest Novel
Directed by Lewis Milestone • A New Universal Picture

NEW ADS, TRAILER, ACCESSORIES, READY NOW!

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Aug. 18	The Man They Could Not Hang *Boris Karloff Roger Pryor*	These Glamour Girls *Lew Ayres Lana Turner Tom Brown*	Riders of the Frontier *Tex Ritter* (O)	This Man Is News *Barry K. Barnes* Renegade Trail	In Old Monterey (O) *Gene Autry Smiley Burnette*	In Name Only *Carole Lombard Cary Grant Kay Francis* (G) (D)	Stanley and Livingstone *Spencer Tracy Nancy Kelly* (G) (D)	They Shall Have Music *Jascha Heifetz Andrea Leeds* (G) (D)		Each Dawn I Die *James Cagney George Raft* (G) (D)
Aug. 25	Five Little Peppers and How They Grew Riders of Black River	Wizard of Oz *Judy Garland Frank Morgan Bert Lahr* (G) (C)	Oklahoma Terror (O) *Jack Randall*	Star Maker *Bing Crosby Louise Campbell*	Smuggled Cargo *Rochelle Hudson Barry MacKay*		Jones Family in Quick Millions *Jed Prouty* (G) (C)			The Angels Wash Their Faces *Dead End Kids* Hobby Family *Irene Rich*
Sept. 1	Konga the Wild Stallion *Fred Stone Rochelle Hudson*	The Women *Norma Shearer Joan Crawford Rosalind Russell*		Death of a Champion *Lynne Overman Robert Paige*	Flight at Midnight *Phil Regan*	Conspiracy *Allan Lane Linda Hayes*	Adventures of Sherlock Holmes *Basil Rathbone Ida Lupino* (G) (D)		The Under-Pup *Nan Grey* (G) (C) Mutiny on the Blackhawk *Richard Arlen* (G) (D)	The Old Maid *Bette Davis Miriam Hopkins* (G) (D)
Sept. 8	Golden Boy *Stanwyck* (G) (D) Hidden Power *Jack Holt*	Blackmail *Edward G. Robinson Ruth Hussey*		Range War *William Boyd Russell Hayden*	Wall Street Cowboy (O) *George Hayes*	Full Confession *Victor McLaglen* Fighting Gringo *George O'Brien*	Charlie Chan at Treasure Island *Sidney Toler* (G) (D)		Desperate Trails (O) The Mikado *Kenny Baker* Hawaiian Nights (G) (C)	Nancy Drew and the Hidden Staircase *Bonita Granville Frankie Thomas*
Sept. 15	Outpost of the Mounties *Charles Starrett Iris Meredith*	Thunder Afloat *Wallace Beery Chester Morris*	Sky Patrol *John Trent Jackie Coogan*	Beau Geste *Gary Cooper Ray Milland* (G) (D)		The Day the Bookies Wept *Joe Penner Betty Grable*	The Rains Came *Myrna Loy Tyrone Power George Brent*		Two Bright Boys *Jackie Cooper Freddie Bartholomew*	Dust Be My Destiny *John Garfield Priscilla Lane* (G) (D)
Sept. 22	Those High Grey Walls *Walter Connolly Iris Meredith*		Crashing Thru *James Newill*	$1,000 a Touchdown *Joe E. Brown Martha Raye*	Calling All Marines *Donald Barry Helen Mack*	Fifth Avenue Girl *Ginger Rogers James Ellison* (A) (C)	Stop, Look and Love *Jean Rogers William Frawley*	Intermezzo, a Love Story *Leslie Howard Ingrid Bergman*	The Witness Vanishes *Edmund Lowe Wendy Barrie*	No Place to Go *Fred Stone Gloria Dickson*
Sept. 29	U-Boat 29 *Conrad Veidt Valerie Hobson*	Dancing Coed *Lana Turner Richard Carlson Artie Shaw*	Mutiny in the Big House *Charles Bickford* The Fight for Peace	Honeymoon in Bali *Madeleine Carroll* Range War (O)	The Arizona Kid *Roy Rogers*	Nurse Edith Cavell *Anna Neagle Edna May Oliver* (G) (D)	Here I Am A Stranger *Richard Greene Roland Young*	The Real Glory *Gary Cooper Andrea Leeds*	Rio *Sigrid Gurie Basil Rathbone Robert Cummings*	A Child Is Born *Geraldine Fitzgerald Gladys George*
Oct. 6		Fast and Furious *Ann Sothern Franchot Tone*		What a Life *Jackie Cooper Betty Field*	Kansas Terrors *Jacqueline Wells The Three Mesquiteers*	Everything's On Ice *Irene Dare Edgar Kennedy*	The Escape *Kane Richmond Amanda Duff*	Eternally Yours *Loretta Young David Niven*	Hero for a Day *Anita Louise Dick Foran*	Espionage Agent *Joel McCrea Brenda Marshall*
Oct. 13	Scandal Sheet *Otto Kruger Ona Munson*	Ninotschka *Greta Garbo Melvyn Douglas*	Overland Mail *Jack Randall* (O)	Jamaica Inn *Charles Laughton Maureen O'Hara*	Sabotage *Arleen Whelan*	Three Sons *Edward Ellis Virginia Vale*	Hollywood Cavalcade *Alice Faye Don Ameche*	Housekeeper's Daughter *Joan Bennett Adolphe Menjou*	Tower of London *Basil Rathbone* Tropic Fury *Richard Arlen*	Pride of the Blue Grass *Edith Fellows Gampry the Horse*
Oct. 20	Mr. Smith Goes to Washington *Jean Arthur James Stewart*	At the Circus *Marx Brothers*	His Father's Son *Martin Spellman* Scouts of the Air *John Trent*	Television Spy *William Henry Judith Barrett*		Flying Deuces *Laurel & Hardy Jean Parker*	Pack Up Your Troubles *Jane Withers Ritz Brothers*		Little Accidents *Baby Sandy* First Love *Deanna Durbin* Oklahoma Frontier *Johnny M. Brown*	Smashing the Money Ring *Ronald Reagan Rosella Towne*

Paramount Pictures

Book these PARAMOUNT SHORTS when you book your features!

SEPTEMBER 22 Paramount Paragraphic PUBLIC HOBBY NUMBER ONE

SEPTEMBER 22 Grantland Rice Sportlight A DESERT ADVENTURE

SEPTEMBER 29 Color Classic Cartoon THE FRESH VEGETABLE MYSTERY

SEPTEMBER 29 Symphonic Series THE BLUE DANUBE WALTZ

100% BOX OFFICE tested

AMAZING!...

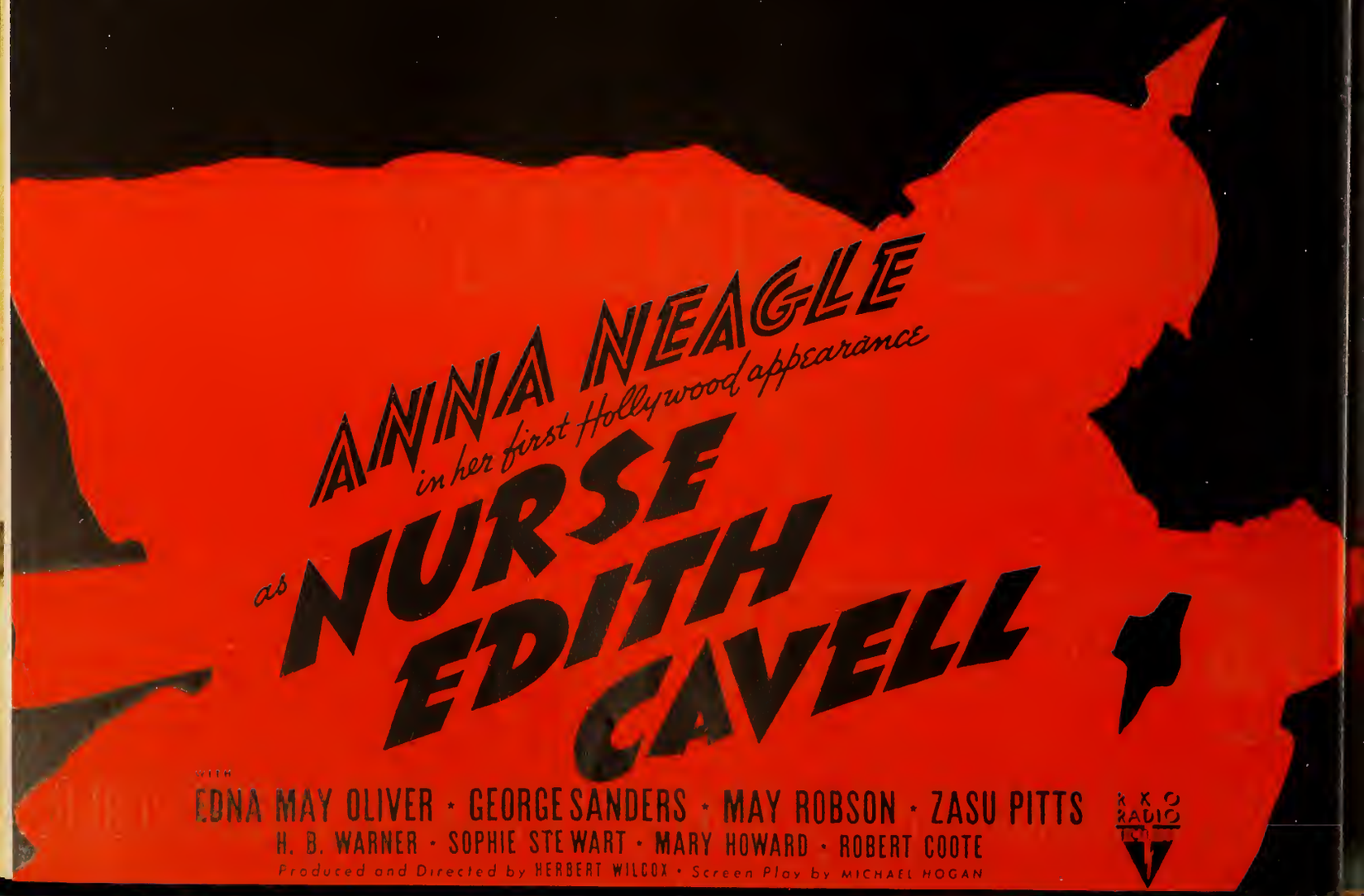
AND KEYED TO THE PASSIONATE PITCH OF HUMANITY'S DARK SUSPENSE IN THE WORLD-SHAKING DRAMA OF THIS VERY HOUR!...

ANNA NEAGLE as NURSE EDITH CAVELL

MILLIONS OF MEN IN ARMS..AND ONE WOMAN FACING WAR.. UNAFRAID!

In the hollow of her hand the means of waging war on war...In the deep of her heart devotion and a secret that angered the entire German General Staff!... HER STORY, torn from the crimson pages of invasion... told in a great motion picture hailed by the critics as one of the mightiest human dramas ever pictured!

OPENING THIS WEEK... RADIO CITY MUSIC HALL



Bitter Feelings Rule Nebraska Ascap Hearing

LINCOLN, Sept. 19.—Words flew back and forth with bitter feeling in Federal court here today during the second day of Ascap's suit to have the Nebraska law making its activities illegal declared unconstitutional.

Circuit Judge Gardner, one of three justices hearing the case, many times had to call the witness and lawyer back to the point while Edwin C. Mills, chairman of the Ascap administrative board, was being questioned by Andrew Bennett of Washington, D. C., counsel for the National Association of Broadcasters.

The cross-examination of Mills by Bennett brought out many instances of the fight between Ascap and the N.A.B. and much of it got into the record despite objections by plaintiff's counsel. At one point Mills protested strongly when Bennett read from the minutes of an Ascap board of directors meeting held in June, 1934. This was stricken out of the record later.

One of many side remarks made by Mills while on the stand, all of which were stricken from the record, was "For every nickel Ascap gets from a radio station, the station receives a dollar from the advertiser." At one point Mills rapped WOW, Omaha station, when he said it could operate without controlled music if they spent the same effort on planning their music that they do in trying to destroy Ascap.

Earlier in the day Louis Frohlich, Ascap counsel, explained to the court that the state, in passing a statute invading a right under the Federal Copyright Law, "could only do so for the welfare of the people, and we want to show that no evil justifying this exists." Great public interest, he claimed, is not involved.

Other testimony of the day showed Ascap has contracts with 30,000 exhibitors and users, 389 of them in Nebraska. Salaries of officials included $50,000 yearly to Gene Buck, President; $50,000 to Mills, $25,000 to General Manager John G. Paine. Each got a $5,000 "Christmas present" last year, it was testified.

Much other testimony was devoted to what the Society received from its clients and what expenses were paid out to officers and employes of the Society.

General Manager Paine is scheduled to take the stand Wednesday.

Shea Plans Three Houses in Buffalo

BUFFALO, Sept. 19.—Having unloaded one of its downtown houses and two in the neighborhoods in the last few weeks, Shea Theatres plan to erect three community film houses in the city, according to Vincent McFaul, general manager of the circuit.

The first of the three new houses will be in the center of Buffalo's Italian colony. It will seat 1,400. It will be known as Shea's Niagara. Plans for the building of a larger theatre will be announced early next month. McFaul said land for all three buildings has been obtained. Total cost of the new theatre is estimated at between $90,000 and $125,000.

Canada Tightens Radio Rules by Boosting Fees

Independent Broadcasts Suffer New Drastic Restrictions

TORONTO, Sept. 19.—As a restrictive move against independent broadcasters in the Dominion, the Canadian Broadcasting Corp. has gained further control of the air by a drastic increase in the annual license fees for private commercial stations.

In place of the nominal flat rate of $50 per year for the operating privilege, a new scale of levies ranging up to $10,000 a year is now imposed, based on transmitting power and the estimated listening population. Stations of 100 watts or less are required to pay from $50 to $500 per year, according to the importance of their coverage, while stations up to 1,000 watts are called upon to pay $100 to $700 in proportion to their serving radius. The new annual fee for a 10,000-watt station is $4,000, while the maximum is $10,000.

Another new requirement is the order compelling representatives of the trade to provide lists of purchasers of radio receivers so that the annual license fee of $2.50 for the use of a household or automobile instrument can be imposed without delay or difficulty.

Non-commercial stations operated by universities for broadcasting purposes are now required to pay an annual license fee of $50.

'Tropics' Grosses $17,500 in Buffalo

BUFFALO, Sept. 19.—"Lady of the Tropics," with a personal appearance of John Boles, scored $17,500 at the Buffalo. "Golden Boy" and "Outside These Walls" grossed a strong $8,200 at the Lafayette.

Estimated takings for the week ending Sept. 16:

"Lady of the Tropics" (M-G-M)
BUFFALO—(3,000) (30c-55c) 7 days. Gross: $17,500. (Average, $12,000)
"In Name Only" (RKO)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $8,300. (Average, $7,500)
"Stanley and Livingstone" (20th-Fox)
"Chicken Wagon Family" (20th-Fox)
HIPPODROME — (2,500) (25c-40c) 2nd week. Gross: $5,400. (Average, $6,800)
"She Married a Cop" (Rep.)
"S.O.S.-Tidal Wave" (Rep.)
TWENTIETH CENTURY—(3,000) (15c-20c-25c) 7 days. Gross: $3,000. (Average, $5,200)
"Golden Boy" (Col.)
"Outside These Walls" (Col.)
LAFAYETTE — (3,300) (25c) 2d week. Gross: $8,200. (Average, $6,300)

Dipson-Basil Close Film Deal with RKO

BUFFALO, Sept. 19.—Nikitas K. Dipson and Nicholas J. Basil, operators of Dipson-Basil Theatres, have concluded a deal with RKO for the showing of all RKO features exclusively in Buffalo at the circuit's Twentieth Century.

The first feature will be "Nurse Edith Cavell," opening on Sept. 29. On Sept. 22, the first of the theatre's stage shows will open, according to Richard T. Kemper, manager of the house. Arrangements have been completed for an orchestra of 10 pieces.

Curfew Stilled

Burlington, Wis., Sept. 19.—In the recent codification of city ordinances here, the ordinance relating to the licensing of shows and amusements has been modernized, and the curfew ordinances have been excluded from the code.

Wins Right to Sue On Accessories

OKLAHOMA CITY, Sept. 19.—Right of a film company to sue an unauthorized printer of advertising accessories has been upheld by an important decision recently rendered by the U. S. Circuit Court of Appeals, 10th Circuit. The opinion reverses a previous judgment made in October, 1938, when the case was dismissed.

Paramount filed suit against The Leader Press, Inc., in the Oklahoma Federal court, in which the complaint alleged that the defendant printed posters for Paramount films without using the name "Paramount" and that such posters were done in an "inartistic, grotesque and inferior manner."

Circuit Judge Bratton, who wrote the opinion, declared that an injunction could be issued if it were proved that the posters injured the plaintiff's product. Additionally, the court pointed out, exhibitors who used Paramount product were under contract to use the Paramount name in advertising matter, and that "the act of defendant in manufacturing and distributing among exhibitors thus bound by contract, advertising accessories which fail to contain the name of plaintiff or to identify the pictures and Paramount Pictures is a wrongful contribution or inducement to the breach of license contracts."

Carolina Owners' Meeting Set Dec. 3

CHARLOTTE, Sept. 19.—The annual winter convention of the North and South Carolina Theatre Owners Association will be held here Dec. 3 and 4, according to Mrs. Walter Griffith, secretary and treasurer.

Approximately 460 theatres in the two states will be represented, and it is expected that 300 or more persons will attend. Program features are now being drafted, and these will include one or more speakers of national prominence.

War Shifts 'Essex' Premiere to Coast

HOLLYWOOD, Sept. 19.—The world premiere of "The Private Lives of Elizabeth and Essex" will be held on Thursday at the Warner Beverly Theatre.

The event, originally scheduled for London, was transferred to Hollywood because of the European war. The premiere will be the only public showing of the film until the national release date, set for Nov. 25.

Hearings Set On Broadcast Power Pleas

WASHINGTON, Sept. 19.—The Federal Communications Commission has been asked to issue construction permits for a new 1,210-kilocycle, 100-watt broadcasting station to be operated at Ottumwa, Ia., by J. D. Falvey, and a 1,370-kilocycle, 250-watt station to be operated at Jacksonville, Ill., by Stephenson, Edge & Korsmeyer.

Broadcasting Station KTRH, Houston, Tex., has applied to the commission for a change of frequency from 1,290 to 710 kilocycles and increase of power from 1,000 watts night, 5,000 watts day, to 10,000 watts.

More Power Requested

Applications also were filed by KMBC, Kansas City, for an increase of night power from 1,000 to 5,000 watts; KDON, Monterey, Cal., for a change of frequency from 1,210 to 1,440 kilocycles and increase of power from 100 watts to 500 watts night, 1,000 watts day; WCAE, Pittsburgh, for increase of night power from 1,000 to 5,000 watts; WLOK, Lima, O., for extension of time from day to unlimited and increase of power from 100 to 250 watts, and KOME, Tulsa, Okla.; KGLO, Mason City, Ia., and WHDF, Calumet, Mich., for increase of night power from 100 to 250 watts.

The commission tentatively fixed Oct. 5 as the date for hearings on the applications of The Gateway Broadcasting Co. for a new 880-kilocycle, 500-watt broadcasting station at Louisville, Ky.; WJMS, Inc., for a 1,370-kilocycle, 100-watt station at Ashland, Wis.; WMBR, Jacksonville, Fla., for change of frequency from 1,370 to 1,120 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day, and WGRC, New Albany, Ind., for change of frequency from 1,370 to 880 kilocycles and extension of time from day to unlimited.

Seek Minnesota Station

The commission ordered a hearing, to be held at a date later to be specified, on the application of the Lakeland Broadcasting Co. for a 680-kilocycle, 250-watt daytime station at Willmar, Minn.

Authority to increase power from 500 to 5,000 watts has been asked of the commission by Station KGBX, Springfield, Mo.

Other applications filed with the commission included requests of Stations KVOL, Lafayette, La., for increase of night power from 100 to 250 watts; KFDA, Amarillo, Tex., for increase of power from 100 to 250 watts, and WCOL, Columbus, O., for change of frequency from 1,210 to 1,200 kilocycles and increase of power from 100 to 250 watts.

An amendment was filed by Station KFRU, Columbia, Mo., to its application for change of frequency from 630 to 1,370 kilocycles and decrease of power from 500 watts night, 1,000 watts day, to 100 watts night, 250 watts day, asking that power be fixed at 250 watts, night and day.

"Valuable"

. . . "WE MIGHT ALSO MENTION THAT THE MOTION PICTURE HERALD IS WITHOUT DOUBT THE MOST VALUABLE TRADE PUBLICATION WE RECEIVE, AND IT AFFORDS US MANY SERVICES WE COULD NOT HOPE TO GET ELSEWHERE." . . . .

N. NISBET

COLUMBIA PICTURES OF CANADA LTD.
CALGARY, ALBERTA,
CANADA

MOTION PICTURE HERALD, $5.00 *a year Domestic;* $10.00 *Foreign; 52 issues with which is combined* BETTER THEATRES, *13 issues yearly.*

MOTION PICTURE HERALD

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DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 57 NEW YORK, THURSDAY, SEPTEMBER 21, 1939 TEN CENTS

War Forces Odeon Circuit To Drop Duals

350 Great Britain Houses Adopt Single Bills

LONDON, Sept. 30.—Facing wartime conditions, the Odeon circuit is instituting single bills in all of its houses. Shows will be limited to two hours.

The Odeon circuit, of which Oscar Deutsch is chairman and managing director, operates 350 theatres throughout Great Britain, in the large centers as well as the provinces.

The abolition of double bills is an economy move. It is designed to increase the attendance turnover. The Government compels film theatres in London's West End to close at 6 p.m. and in less thickly populated centers at 10 p.m. The lack of night attendance is a factor in Odeon's going to single features.

Meanwhile, the uncertainty of conditions has stopped the deal whereby Odeon was to take over 14 Paramount theatres in London.

No Shortage of Films; Singles for Economy

Foreign department executives in New York interpret Odeon's switch to single features as a desire to curtail expenses because of the shortened night hours. There is no lack of product. One foreign department manager said that there is a sufficient supply of film in England to keep British theatres on a double feature policy for the next six months.

"Emergency measures are formulated in the warring countries from day to day and whatever developments occur will not be surprising," said Joseph H. Seidelman, vice-president and general foreign manager of Universal.

Nebraska Defends Law Against Ascap

LINCOLN, Neb., Sept. 20.—The state of Nebraska began its defense in Federal court here today of a law which outlaws music royalty collecting agencies such as Ascap.

The state opened its case by presenting testimony tending to show the extent of public interest involved in the law which Ascap is seeking to have declared unconstitutional by a three-judge court here.

Joseph Malec, Omaha dance hall

(*Continued on page* 11)

Government Suit Situation— How It Looks Today

MAJOR companies, defendants in the pending New York anti-trust suit, have been advised by counsel, which is among the best in America, that the law is on their side on divorcement. They do not intend to discuss any consent decree with the Government. They take the view that there is no point in giving up what the best legal minds say they have every right to hold.

The Government, it is believed, wants a consent decree badly and might give up the divorcement demand for either elimination of block booking or blind selling. Some compromise on this basis may be reached.

Individual buying may be agreed to by the companies.

It is believed that the Department of Justice, itself, sees a weak case on divorcement and, with increased knowledge gained of the industry during the past year, is weakening on the demand for divorcement on the ground that it may neither cure nor solve existing problems.

Also, current seriousness of the industry's position because of the European war is being taken into account in Washington. Continued Federal harassment throughout the present crisis could be fatal to the business. ***S.S.***

7,800 Cast Ballots In Studio Election

HOLLYWOOD, Sept. 20.—Indications at a late hour tonight were that 99 per cent of the 7,800 eligible studio workers would cast ballots in the National Labor Relations Board election to determine whether I.A.T.S.E. or the CIO-financed United Studio Technicians Guild would be their collective bargaining agency.

Final certification and determination of eligibility increased the original 7,500 workers on the list to 7,800.

The polls close at midnight tonight. Counting, according to the Senior Board Attorney William R. Walsh, will be concluded and announced unofficially at about 2 a.m. Thursday.

Roosevelt Speech

The whole nation will be tuned in this afternoon to the vitally important address which President Roosevelt will make on the neutrality question when Congress opens its special session.

Ten New York radio stations will carry the speech at 3 p. m. For those who will be unable to listen at that hour, WNEW will rebroadcast the address at 8 and WOR at 11:15 p. m.

Face War Crisis Boldly—Goldwyn

HOLLYWOOD, Sept. 20.—A joint fact-finding committee consisting of producers and workers to examine all angles of the situation confronting the industry because of the European war was suggested today by Samuel Goldwyn, United Artists producer, in a letter to heads of the Screen Writers, Screen Actors and Screen Directors Guilds, Joseph M. Schenck and Will H. Hays.

Existence of the producer's letter was revealed just as all Hollywood was watching the voting to determine the collective bargaining agency for studio craftsmen.

Goldwyn declared:

"Hollywood faces a challenge due to the international crisis that, if unmet, threatens the entire structure of the motion picture industry."

Goldwyn pointed out the curtailment of foreign markets, adding:

"May I say to you bluntly that I feel that the industry may as well be realistic as possible regarding the situation for we face the need for unity in the face of admitted danger. These are the facts:

"1. In England the value of the pound has depreciated 25 per cent. Business last week was 50 per cent of normal. Two-thirds of the business has been wiped out and the fate of the remainder is problematical.

"2. Canada has set up a commission

(*Continued on page* 11)

Cohns Slash Own Salaries By One Third

All Directors Re-Elected By Columbia

Harry and Jack Cohn, president and vice-president, respectively, of Columbia Pictures Corp., have voluntarily reduced their salaries by 33⅓ per cent.

Announcement of this reduction was made following the annual meeting of the stockholders of Columbia at the home offices yesterday.

An official statement said that the Cohns agreed to the reduction of their salaries "during the period of emergency which they feel the motion picture industry is facing."

Directors Re-elected

Harry Cohn's annual earning is $201,420 and Jack's yearly salary is $116,720.

The regular board of directors was re-elected as follows: Harry Cohn, Jack Cohn, A. Schneider, Jack Kerner, Charles Schwartz, Leo M. Blancke and Saul H. Bornstein.

The meeting had been scheduled to act on the proposed extension for three years of the Cohns' contracts and other company business.

New Films Score Good N. Y. Grosses

"The Women" opens at the Capitol today and "Nurse Edith Cavell" goes into the Music Hall. During its second week at the Music Hall, "Golden Boy" grossed an estimated $82,000. "Blackmail" at the Capitol drew an estimated $20,000.

Continuing strong in its third week, "The Star Maker" attracted an estimated $32,000 in its third stanza at the Paramount. It was replaced by "Honeymoon in Bali" yesterday. At the Globe, "Angels Wash Their Faces" grossed an estimated $7,800 in its second week. Because of its timeliness, "Torpedoed" will start at the Globe Saturday. "Goodbye, Mr. Chips" drew an estimated $8,500 in its 18th week at the Astor.

"Espionage Agent" will bow in at the Strand tomorrow. Other openings this week are "Two Bright Days" at the Rialto yesterday; "The Man They Couldn't Hang" at the Criterion today; "Quick Millions" at the Palace, "Stunt Pilot" and "Riders of the Black River" at the Central tomorrow.

Drop Noted In Admission Tax Receipts

WASHINGTON, Sept. 20.—Federal tax collections in August totaled $1,513,468, a drop of slightly less than $21,000 from the $1,534,250 reported for July, it was disclosed today by the Internal Revenue Bureau.

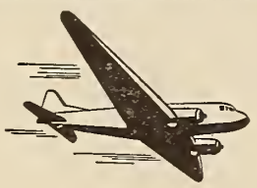
The month's collections, however, were the third for this year to exceed the corresponding period in 1938, when August receipts were $1,425,063, the Bureau reported. The only previous months to beat 1938 were January and May.

The seasonal drop from July to August was considerably below that of a year ago, when the loss was $193,000, and 1937, when a decrease of $34,000 was experienced, Bureau records disclosed.

As a result, the margin between 1939 and 1938 total collections was narrowed, the first eight months of this year returning $12,203,945 compared with $12,390,638 for the same period a year ago, it was stated.

Phila. Golf Sept. 29

PHILADELPHIA, Sept. 20.—The annual golf tournament and dinner dance sponsored by the *Exhibitor* and the Variety Club, will be held Sept. 29, at the Lulu Temple Country Club. Milton Rogasner is chairman of the committee in charge. There will be an exhibition match between Leo Diegel and Sam Byrd, and Joe Kirkwood and Ed Dudley, and during the afternoon an exhibition of trick shooting by Joe Kirkwood.



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Purely Personal

FRED MEYERS, RKO theatres executive, plans to leave Oct. 20 for the Coast to call at the RKO studio and visit RKO's Coast theatres.

•

BOB SMELTZER, Warner central district manager; HARRY SEED, Pittsburgh branch manager, CHARLES RICH, Buffalo branch manager, W. G. MANSELL, Philadelphia branch manager, and JOHN PAVONE, New Haven branch manager, were in town yesterday for conferences with ROY HAINES, Eastern and Canadian sales manager.

•

ANN SHERIDAN, Warner star who has never been east of Dodge City, Kan., leaves Hollywood tomorrow to make her first visit in New York. She arrives here next Wednesday. Miss Sheridan opens a two-week engagement at the Strand on Oct. 6.

•

A son was born to MRS. SIDNEY SILVERSTONE, wife of DR. SIDNEY SILVERSTONE, brother of MURRAY SILVERSTONE, operating head of United Artists, on Monday, at the Lenox Hill hospital. The boy is DR. and MRS. SILVERSTONE's first child.

•

BEN SIMONS, managing director of Loew's Metropolitan in Brooklyn, is mourning the loss of his father, WILLIAM SIMONS, 83, who died last week.

•

WILFRED ROBERTS, former NBC executive in New York, has turned actor. He will appear in Paramount's "The Farmer's Daughter," starring MARTHA RAYE.

•

J. EBERSOLE CRAWFORD, Cincinnati suburban exhibitor, has arrived in New York from Europe, where he had been touring with his daughter.

•

ED SULLIVAN, *Daily News* Hollywood columnist, leaves tomorrow for the Coast after several weeks in New York.

•

SIGURD WEXO, manager of the Dyker Theatre, Brooklyn, is the father of a second son.

•

KATE CAMERON, film critic for the *Daily News*, has left for Hollywood and Honolulu.

NED E. DEPINET, JOSEPH BERNHARD, RUSSELL HOLMAN, WILLIAM A. SCULLY, EDMUND C. GRAINGER, SIDNEY PHILLIPS, BORIS MORROS, MAX A. COHEN, OSCAR HAMMERSTEIN and HARRY GOLD lunching at Nick's Hunting Room in the Astor yesterday.

•

Among recent New York visitors were ELIZABETH RICHTER and LUCILE E. AMANN of Columbus, Ohio (MISS RICHTER is head booker for the J. Real Neth circuit in Columbus); MISS LOUISE HARRIS and EVA GLANTON of Atlanta (MISS HARRIS is connected with the accounting department of the Wilby-Kincey circuit in Atlanta).

•

F. E. JUDD, manager of the Des Moines Monogram exchange, and his sister, OPAL, cashier at the exchange, have returned from a brief vacation.

•

HERMAN GLUCKMAN, Republic franchise holder, will attend funeral services today for his brother-in-law, LOUIS SIEGEL, who died Tuesday.

•

A-MIKE VOGEL, LEON J. BAMBERGER and HERMAN PHILLIPS lunched with RICK RICKETSON of Denver at the Hotel Plaza Grill yesterday.

•

CLEO CURRENT, secretary in the Des Moines Monogram office, has recovered from a tonsil operation.

•

AL ROSEN, manager of Loew's State, is recuperating at his home from a recent illness.

•

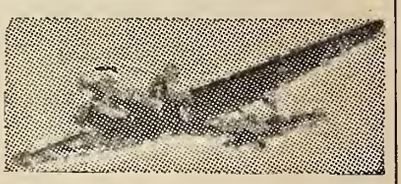
POLLY SHEDLOVE, WHN artist, will wed PERRY MARTIN, vocalist, today.

Franklyn Warner Sets RKO Releases

Franklyn Warner, executive head and producer of Fine Arts Pictures, signed yesterday to produce a series of feature films for RKO distribution, three of which will be released during the current season.

"Isle of Destiny," now in production on the Coast, will be the first release and will be followed by "Land's End." Both will be in color. Third of the Fine Arts productions will be a story of the Ivory Coast slave traffic during the beginning of the 19th century.

Warner, immediately after closing the deal, left by plane for Hollywood where he will confer with George J. Schaefer, RKO president, on Fine Arts production plans.



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SHORTEST, FASTEST COAST-TO-COAST

RKO Circuit Finishes '40 Buying Deals

With the completion of a new season film deal with M-G-M, expected in a day or two, the national RKO circuit will have wound up its buying for 1939-'40.

RKO has closed with Universal for 90 per cent of the circuit, and with RKO, 20th Century-Fox, Warners, United Artists and Paramount. The Columbia contract was negotiated last year for two years and will not be renewed until next year.

The M-G-M deal is for a limited number of RKO theatres nationally and for some New York subsequent runs. Details are being worked out by Fred Meyers, RKO circuit head booker, with William F. Rodgers, M-G-M general sales manager, and Tom Connors, division manager.

It is possible the M-G-M deal will be for two years but at present terms are being worked out for the coming season. It includes the following situations: Dubuque, Ia.; Champaign, Ill.; Denver, Trenton, New Brunswick, N. J.; Uptown Theatre, New York; Park Hill, Yonkers; Strand, Yonkers; Parkway, Mt. Vernon; Park, Rockaway Park; Shore Road, Brooklyn; Empire, Bronx, and two theatres in Far Rockaway.

Kerr Back at Fox

Don Kerr, who retired four months ago from his four-year-old job as master of ceremonies on the Fox Brooklyn Theatre's Monday night amateur shows, returns next week to share the m.c. job with Joe O'Brien. The Fox amateur night policy is now in its fifth year and stands as the longest-run amateur show in any New York theatre.

Mrs. Johnson on Coast

HOLLYWOOD, Sept. 20. — Mrs. Osa Johnson has arrived in Hollywood to serve as advisor on the adaptation and technical director on the film version of her book, "I Married Adventure," screen rights of which she has sold to Columbia. She also will appear in the film, based on her own career.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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and the new season's new star
BRENDA MARSHALL
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Screen Play by Worren Duff, Michael Fessier and Frank Donoghue
From an Original Story by Robert Henry Buckner
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We have arranged a special printing of the invaluable sound trouble-shooting charts which supplement the second revision of the sixth edition of F. H. Richardson's Bluebook of Projection. There are nineteen practical, detailed charts that provide a simplified guide to quick trouble-shooting, enabling the projectionist to spot and repair sudden break-downs both in the projection and sound apparatus. These are available now in handy brochure form at minimum cost. The supply is limited so be sure to order your copy now.

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Portland Theatres In Union Agreement

SEATTLE, Sept. 20. — Negotiations have been concluded here whereby all Hamrick-Evergreen theatres in Portland will operate as union houses, with employes gaining a 40-hour work week and pay increases in every classification.

The deal was closed by O. M. Jacobsen, international representative of theatrical unions; Charles Crickmore and Ernest Clark; stage employes; Basil Grey, theatre employes; Mark L. Newman, Evergreen circuit head, and Al Finkelstein, city manager in Portland for Evergreen houses. About 100 doormen, cashiers and usherettes are affected by the deal.

Delay Until Sept. 27 For RKO's Hearing

An RKO reorganization hearing scheduled to be held yesterday before Federal Judge Alfred C. Coxe was postponed to Sept. 27 at the request of counsel for Atlas Corp., proponent of the reorganization plan. A further postponement may be taken at that time if Federal Judge William Bondy, who has jurisdiction over the proceeding, has not returned from a West Coast vacation by that time.

Weekly 27 Years Old

Next week Loew's Weekly, the little four-page publication, will celebrate its 27th anniversary. It started back in 1912 at the old Loew's Bijou.

New York Review

"The Man They Could Not Hang"

(Columbia)

Here is a film with a thrill and a chill for many audiences, and with the name of Boris Karloff to drape across the marquee.

Nick Grinde, who directed from a screenplay by Karl Brown, handled his task with an eye for suspense, and succeeded admirably in that regard. The film tells the story of the scientist who kills accidentally in the course of experimentation, is hanged for murder, restored by his own device and gathers his jury, judge and prosecutor that he may murder them. The film reaches its lively climax when the remainder of the court room principals are gathered in the scientist's home by a ruse, and he proceeds, in the manner of occasional mysteries, to put them to death one by one.

Supporting Karloff chiefly are Lorna Gray, as his daughter; Robert Wilcox, as a newspaper man, whose romance with Miss Gray is hardly more than implied, and is never permitted to interfere with the story; Roger Pryor as the district attorney; Charles Trowbridge as the judge in Karloff's case, who sentences him.

Prevented from completing the experimental operation which would restore life after temporary cessation of heart action, Karloff is arrested, convicted of first degree murder and sentenced to hang. His former assistant claims the body for science, revives Karloff, and the latter proceeds to bring about the death of all those responsible for his conviction, down to the last eight, gathered in his home to be destroyed. He almost succeeds, but when his daughter suddenly appears and her life is in danger, he halts the carnage and is himself killed—again.

Running time, 72 minutes. "G."* CHARLES S. AARONSON

*"G" denotes general classification.

U.S. Files Answer In Griffith Action

OKLAHOMA CITY, Sept. 20. — The Government trust suit against the Griffith Amusement Co. came nearer to a court hearing this week when the Government filed a brief in Federal District Court in answer to a request of the Griffith Co. for clarification of the case.

The Government charges the Griffith Amusement Co., Griffith Brothers and the Westex Theatres, Inc., are under the same management and that between them they exercise circuit buying power, enabling them to dictate to distributors and name the terms on which they will take pictures. The company is charged with preventing the lease of pictures to independent theatres in towns where they operate. They control 190 theatres in Oklahoma, Texas and New Mexico, in 77 cities.

Welles Rebroadcasts

Campbell Soup Co., sponsoring the series of dramatizations featuring Orson Welles over CBS, has signed 14 stations of the Canadian Broadcasting Corp. for rebroadcasts of the series. The Canadian stations will be made available to the sponsor starting Sept. 24.

In Lux Show Sept. 25

Ginger Rogers and George Brent will highlight the production of "She Married Her Boss" on the Lux "Radio Theatre" Sept. 25 over CBS at 9 P. M.



Short Subject Reviews

"Gun Play"

(RKO Pathe)

Clay pigeons are the victims of dead-shot marksmen in this Grantland Rice Sportscope. The reel, taken at a trap-shooting range in the Catskills, is an excellent example of the cameraman's shooting ability as well. Various ranges are used to simulate the habitat of the different game birds, and the skeets are cast to imitate the flight of a bird. Running time, 9 mins.

"Information Please, No. 1"

(RKO Pathe)

The popular experts who have entertained millions over the radio go after the film audiences in this first of a series. The reel follows the pattern of the radio program and captures much of its charm. There are a number of hearty laughs while the experts display their acumen and it is likely that most audiences will try to match their own wits against those of the performers. The reel deserves special exploitation. It should please. Running time, 10 mins.

"The Ninth State"

(Emerson Yorke)

Ninth and last state necessary to ratify the American Constitution, New Hampshire provides a background rich in tradition and scenic beauty. Outstanding camera work and excellent color technique take this reel out of the usual run of travelogues. The Hampshire hills provide a constant backdrop for the varied and well-balanced script. Starting with the historic landmarks and institutions, the camera shifts to Summer resorts, industry, agriculture, Autumn attractions and winds up with the Winter sports and the famous Dartmouth Winter Carnival. Well above average. Running time, 22 mins.

Al Adams Resigns Post with Republic

Alvin A. Adams, advertising and publicity director of Republic Pictures, has resigned, effective Saturday. It is understood the department will operate with a skeleton staff and that no successor to Adams will be appointed for some time.

Adams held the position four years. Before joining Republic he was for three years in the advertising and exploitation department of United Artists and 10 years in Paramount's advertising department.

H. J. Yates, president of Consolidated Film Industries, has arrived on the Coast from New York. He plans to remain there about three weeks.

Reissue 'Illusion'

World Pictures Corp. will reissue "Grand Illusion" nationally, after three tryout engagements, according to Arche Mayers, sales manager. Eric von Stroheim, star, will be billed under his new name, Eric Stroheim.

Theatre, Personnel Notes

Evergreen Shifts Men

SPOKANE, Wash., Sept. 20.—Nine changes in personnel of the local group of Evergreen State Theatres have been made by city manager J. J. Rosenfield. Russell Brown, manager of the Orpheum, resigned to go to California. Willard Coghlan, assistant manager of the Fox, was promoted to the Music Box in Portland, Ore. Michael Higgins, assistant manager of the State, will take up the same duties at the Fox locally. James Keefe, former assistant manager of the Orpheum, has moved up to manager of the State. Fred Hooper of the Liberty will move over to the State, as assistant manager. W. R. Seale has been transferred as manager from the Liberty to the Orpheum. Mel Haberman was taken from the door at the Fox and promoted to assistant manager of the Orpheum. E. A. Rose, former State manager, will direct the Liberty and Dixon Murphy, doorman at the Liberty, has been named assistant manager of the same house.

Change Seattle Policy

SEATTLE, Sept. 20.—Effective next week, two Hamrick-Evergreen houses in this city will observe a change in policy. The Blue Mouse, formerly an extended run house, will begin operation as a newsreel theatre. The Music Box, former home of foreign films and "unusual" pictures, will take over the Blue Mouse's extended run policy, playing attractions moved from the same company's Fifth Avenue, Orpheum and Paramount.

Two Open in New Haven

NEW HAVEN, Sept. 20.—Two houses have opened here. Al Pickus reopened the 496-seat Annex, now called the Fairmont, which he acquired recently and redecorated. Joseph Quittner and Peter Perakos opened the newly-constructed 700-seat State, replacing the hurricane-damaged Finn's Theatre. The former manager of Finn's, Harry Barnett, remains in charge of the State.

Smalley Renovates Three

COOPERSTOWN, N. Y., Sept. 20.—The Smalley circuit has renovated three houses, the Delhi, at Delhi, N. Y., costing $22,000; the Cooperstown here, at an approximate renovating cost of $25,000, and the St. Johnsville, at St. Johnsville, N. Y., at $18,000.

Open Cincinnati House

CINCINNATI, Sept. 20.—The Elmwood, 900-seat suburban, built by Nat Galley and associates, has opened here.

Theatre Firm Formed

ALBANY, Sept. 20.—Rassil Theatre Corp., New York, has been incorporated by Israel Mishbinsky, Anna Bardofsky and Gertrude Wagner.

Reopens Troy Theatre

TROY, N. Y., Sept. 20.—Adolph Cohen has reopened the Rivoli, a neighborhood house, after extensive alterations.

Reopens in Cleveland

CLEVELAND, Sept. 20.—Penn Square Theatre has opened another season of foreign pictures.

Two Brooklyn Houses Close

Estates Operating (Pear Bros.) has recently closed the Garfield, and the 16th St., both in Brooklyn. Both houses, together with the Avon, also in Brooklyn, have been acquired by the Endicott circuit (Nelson and Renner) and will be reopened shortly.

Altec Services 85 Theatres

M. & P. Theatres, of Boston, has renewed a contract to have Altec service the sound in 85 M. & P. theatres throughout New England. L. J. Hacking negotiated for Altec.

Gould to Republic

DES MOINES, Sept. 20.—Howard Gould, formerly salesman with National Screen Service at Omaha, has joined the Des Moines Republic exchange as salesman.

Century Changes Hands

Operation of the Century, Second Ave., Manhattan, has been taken over by the B. G. R. Theatre Corp. Moe Goldman is president and Jack Robinger, vice-president.

Will Show Italian Films

Consolidated Amusement Enterprises has leased out the Squire, Eighth Ave., Manhattan. The new operator has renamed the house the Cinecitta and will play Italian films.

Sells Iowa Theatre

ROLAND, Ia., Sept. 20.—George Storms of Des Moines has sold the Roland Theatre here to H. Huepner of Roland.

Joins Monogram Branch

DES MOINES, Sept. 20.—William Kubitzki of Kansas City, has been appointed salesman at the Des Moines Monogram exchange.

Reopens After Summer Shutdown

Wilson, Brooklyn, has been reopened after a Summer shutdown by Randforce circuit (Samuel Rinzler and Louis Frisch).

Schroon Lake Closing

After operating during the Summer, the Paramount, Schroon Lake, N. Y., has been closed.

Century Takes Community

The Community, Queens Village, L. I., has been acquired by Century circuit and will be operated by Conifer Realty Corp., a subsidiary.

Buys Cold Springs House

Samuel Lampert has acquired the Hudson, Cold Springs, N. Y., from Philip Eisenberg.

Voice of Experience Back on Air Monday

"The Voice of Experience" returns to the air Monday over the Mutual network in a new series geared to a Hollywood background. The broadcasts will originate in Hollywood and will be heard Mondays, Wednesdays and Fridays at 1:45 p.m. The program is to remain basically the same as heretofore, except that as supplementary material, the commentator is to inject discussions of stars and their problems.

Hearings Set on Broadcast Power Pleas

WASHINGTON, Sept. 20.—The Federal Communications Commission has tentatively assigned Oct. 2 as the date for hearings on the application of the Nevada Broadcasting Co. for a new 1,370-kilocycle station at Las Vegas, Nev., with 100 watts power night, 250 watts day.

A tentative date of Nov. 15 also set for hearings on the application of the Silver Crest Theatres for a new 1,420-kilocycle, 100-watt station at Yuma, Ariz. On the same date, Commissioner Case will hold a hearing upon the order revoking the license of Station KUMA, Yuma, Ariz.

The commission also received applications from Stations KXYZ, Houston, Tex., for change of frequency from 1,440 to 710 kilocycles, increase of power from 1,000 to 10,000 watts, and removal of transmitter to Dawes, Tex.; WTNJ, Trenton, N. J., for extension of time from limited to unlimited with day power of 1,000 watts; WDJB, Roanoke, Va., for increase of night power from 1,000 to 5,000 watts; WCBS, Springfield, Ill., for increase of night power from 100 to 250 watts; KVNU, Logan, Utah, for increase of power from 100 to 250 watts; WKBG, Hutchinson, Kan., for increase of power from 100 to 250 watts; KLZ, Denver, for increase of night power from 1,000 to 5,000 watts; KSAN, San Francisco, for increase of power from 100 to 250 watts; and KOOS, Marshfield, Ore., for increase of night power from 100 to 250 watts.

Stage Shows Have Spokane Comeback

SPOKANE, Wash., Sept. 20.—Stage shows are showing a definite comeback here with two vaudeville programs and two subscription series planned for this winter.

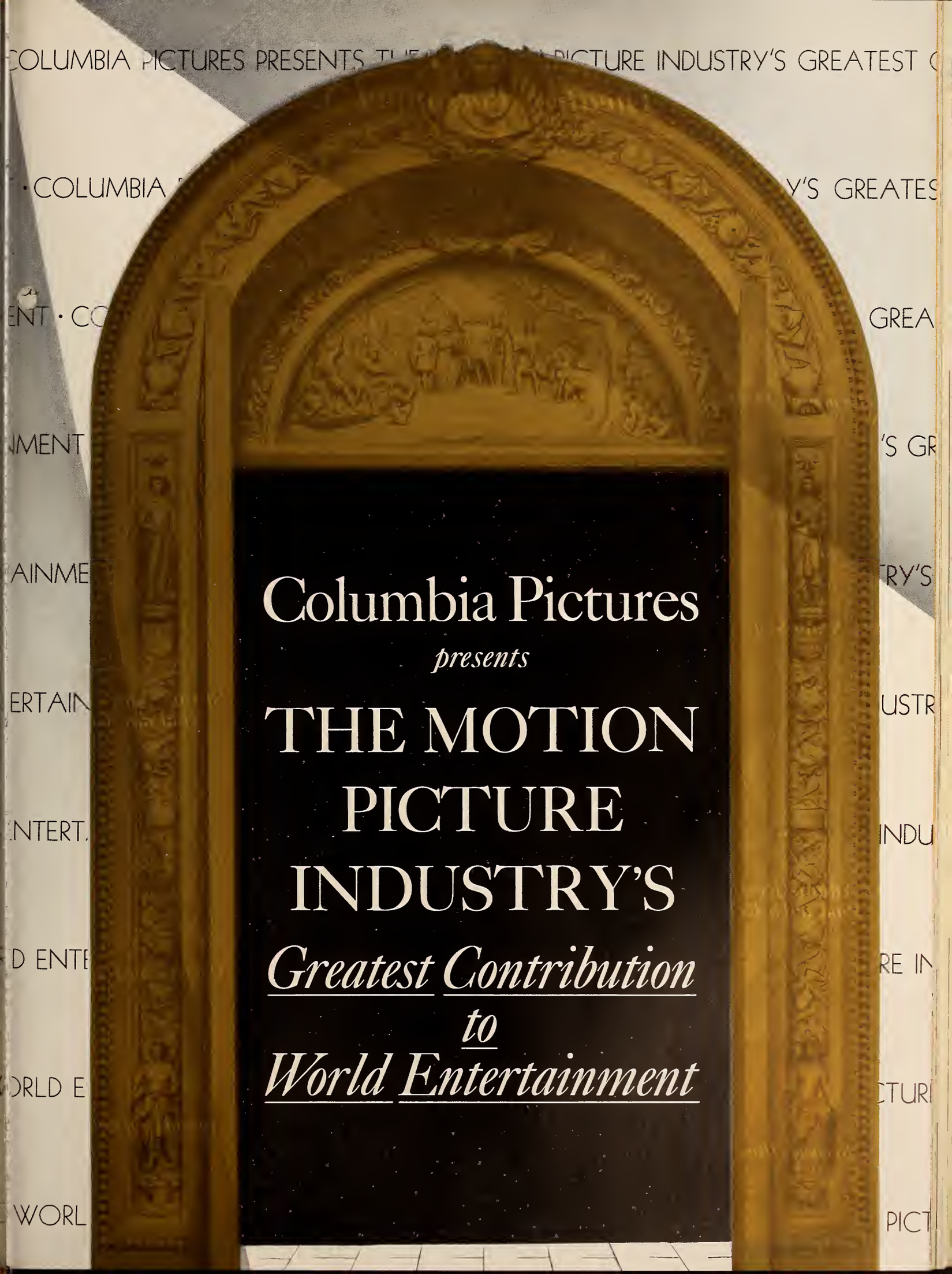
The Evergreen Orpheum has inaugurated a policy of weekend vaudeville bills with Bell's Hawaiian unit, Major Bowes' Swing unit and the Thurston magic show booked for early showing. The Post Street, second run house, has booked a series of stage productions to run in conjunction with first run pictures for weekends. The Evergreen Fox has the Community concert series and Fortune Gallo's legitimate productions sponsored by the local Junior League for subscription series.

Confers on Union Terms

PHILADELPHIA, Sept. 20.—Lewen Pizor, president of the United M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware; George P. Aarons, secretary, and H. A. Snyder, Tremont Theatre, Tremont, Pa., met with representatives of operator's Local No. 730, for the purpose of arriving at an agreement for exhibitors in Lykens Valley.

Approve Oklahoma Club

PITTSBURGH, Sept. 20.—The Variety Clubs of America, which have headquarters here, and of which John H. Harris is chief barker, has approved Oklahoma City as Tent No. 22 of the Variety Club. L. C. Griffith of Griffith Amusement Co. is chief barker of the Oklahoma City club.


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CLAUDE RAINS



RUTH DONNELLY



ASTRID ALLWYN



H. B. WARNER



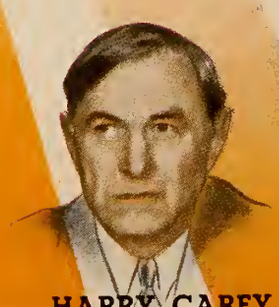
EUGENE PALLETTE



FRANK CAPRA



BEULAH BONDI



HARRY CAREY

Hollywood In Brief

HOLLYWOOD, Sept. 20.—Mrs. Arthur Loew took a train today to join her husband in New York . . . M-G-M, because of preview reactions to "Thunder Afloat," starring Wallace Beery, today decided to push production plans for "20 Mule Team" which will also star Beery . . . It is a story of borax mines in and about Death Valley . . . J. Walter Ruben will produce.

Twentieth Century-Fox today revived plans for "The Californian," story of the gold rush, announced about a year ago . . .

Mervyn LeRoy leaves Sunday for White Sulphur Springs and then goes to New York to seek new screen material for his unit at Metro . . . Cutting of "Marx Brothers at the Circus" will be completed by the time he departs . . . LeRoy is now working on the script of "Ziegfeld Girl," his next production . . .

Warners today decided to team John Garfield and Rosemary Lane as personal appearance duo taking in Chicago, New York, Philadelphia, Baltimore, Washington and Pittsburgh . . . Tentative schedule calls for opening in Chicago on October 11.

Face War Crisis Boldly—Goldwyn

(*Continued from page* 1)

to control the exportation of funds. Not only will it be difficult to transfer funds from Canada but the exchange rate is down and new taxes against motion picture gross receipts have been levied.

"3. In New Zealand laws already have been passed restricting export of currency. This step is likely to be followed by Australia.

"4. In Japan we are privileged to show our films, but for some time past no film company has gotten a single yen out of this territory.

"5. Italy's market is no longer available to us. Obviously Czechoslovakia and Poland are gone.

"6. France at its best in recent years hasn't yielded much more than the cost of dubbing and print charges.

"In facing the problem which these conditions raise may I emphasize that wholesale firing of wage earners is not the answer. This industry must not sacrifice picture quality—if anything the times call for better quality than ever before.

"To stand still is to stagnate—to meet the problem the industry must act as a whole, and it cannot act until the facts are openly discussed and boldly faced."

Alley on War Assignment

Norman Alley, News of the Day cameraman, left on the *Yankee Clipper* yesterday. He said he would take pictures for the newsreel in Germany and Rumania and might cover the war. He covered the *Panay* sinking in the Orient.

Forms Own Company

HOLLYWOOD, Sept. 20. — Edward Gross, former associate producer for Sol Lesser, has set up his own production company and leaves the end of the week for New York to scout a possible major release deal.

Insider's Outlook

By SAM SHAIN

IT took a World War to kill double features in one circuit. Elsewhere in this issue there is a London story to the effect that the Odeon Circuit, one of Britain's largest cinema chains, is going single feature because of war conditions.

WITH Sidney Rechetnik, along Broadway—at Ralph's, on W. 45th Street, Larry Hart, song writer, giving voluble appraisals of certain actors to a talent agent:

"Milton Berle, he's swell."

AT Sardi's, the head man, Vincent Sardi, himself reveals that he and Mrs. Sardi are now the proud owners of a house at Manhasset.

"You must come up sometime," says the man who, for 20 years, has fed the big and the small in show business—mostly the big, and whose famous restaurant, on W. 44th Street, is the rendezvous of the theatre's who's who.

In those 20 years, the restaurateur's constant companion, in business, as well as at home, has been Mrs. Sardi. In all that time, neither has put in less than 16 hours daily at their tasks.

The younger Sardi, now a couple of years out of college, is associated in the business.

AT Bob Goldstein's Tavern—midnight—a pretty girl who has just left Sardi's, rushes in to meet Eddie Dowling, Shubert dance director—later, at McGinnis' on Broadway, a tired Warner Bros. press agent and a trade paper journalist, enjoying a frankfurter.

JIMMY CANNON, former Hearst sports writer, is now with Lord and Thomas, in charge of the agency's publicity department.

HENDRIK WILLEM VAN LOON humorously avers he may insist on his "one per cent royalty" from Monogram, in connection with "The Fight for Peace," which that company is releasing and which he helped to make.

Van Loon was once asked by M-G-M to consider writing for films, at $3,000 weekly. This was while Van Loon was in Stockholm. The offer came by transAtlantic telephone. After figuring out what his income tax would be on that kind of a deal, Van Loon decided in favor of the comparative peace and quiet of the Swedish city.

A few months ago, Van Loon and Greta Garbo were passengers on the same transAtlantic liner, on its way to the U. S.

Through the ship's commander, Van Loon presented Miss Garbo with an autographed copy of his book, "Our Battle," which is the author's answer to Hitler's "Mein Kampf." Miss Garbo sent back brief word that she was making an exception in accepting the book, as she never accepts anything gratis from anybody.

By contrast, when Van Loon presented a copy of his book to the Swedish Crown Prince the author received an 8-page reply—but after all he's only a crown prince.

THIS is the time for exhibitors to voice their views regarding radio review of pictures and the Jimmy Fidler type of broadcast. Tell us what you think in plain words.

IN England, the *Daily Film Renter,* edited by Ernest W. Fredman, and *The Cinema,* of which Sam Harris is editor, have decided, because of war conditions, to work co-operatively. The two journals have agreed to publish alternately, with each retaining its identity, however.

Kinematograph Weekly, S. G. Rayment, editor, has announced it will continue its service to the trade with as little variance as possible, under existing conditions.

TUESDAY at the Warner Bros. Club golf tournament at Glen Oaks, Mike Vogel, in a sand trap blasting away as if he were building a house, suddenly looked up to learn that his teammates had all shot in different directions, and said:

"Let me know where we meet again after I get out of this one."

Revoke Coughlin's Contracts, Appeal

CINCINNATI, Sept. 20.—L. M. Birkhead, national director of the Friends of Democracy, has asked the F.C.C. and the N.A.B. to revoke the broadcasting contracts of Rev. Charles E. Coughlin on the ground that Coughlin has overstepped the bounds of free speech.

Birkhead's contention is based on a recent utterance of Archbishop John T. McNicholas here that "advocating a revolution even in the heat of oratory is dangerous."

Ickes, Johnson Open Town Meeting Oct. 5

"Town Meetings of the Air," unquestionably the best forum on the air, is scheduled to return to the networks on Oct. 5, starting off with Secretary Ickes and General Johnson. Those who know how those two get into each other's hair are already marking Oct. 5 on their calendar. Town Hall management has signed, among others thus far, Mrs. Franklin D. Roosevelt, John Gunther, Hugh Gibson, Robert Jackson and Jan Masaryk.

Fight Against Ascap Waged By Nebraska

(*Continued from page* 1)

operator and president of the Nebraska Amusement Men's Protective Association, testified that about one third of the people in the state dance and that there are about 200 members of the organization paying performance fees to Ascap. He said he paid Ascap $240 a year for his dance hall.

John J. Gillin, Jr. of Omaha, manager of Station WOW and director of the National Association of Broadcasters, testified for the state. He said his station paid Ascap $22,800 in 1938. He denied claims of Ascap witnesses that he could operate without Ascap music.

Both Gillin and Malec testified their present relations with Ascap were "unsatisfactory," but without Ascap music they would have to curtail operations. Gillin denied that he had anything to do with framing the Nebraska anti-Ascap law.

Ascap concluded its case earlier with testimony from John G. Paine, general manager of Ascap; and Mrs. Ethelbert Nevin of New York City, widow of the composer.

Louis Frolich, Ascap counsel, attempted to show through the testimony of these witnesses that Ascap is the simplest approach to music handling and clearing. Paine testified that if each publisher and author had to maintain a staff to prevent infringements, it would be ten times as expensive.

U. S. Film Men Fill London Vacancies

A number of unemployed Hollywood technicians are willing to go to England to fill studio ranks depleted by the war, according to Monty Banks, director of 20th Century-Fox pictures in England.

Banks arrived here before the outbreak of war and was scheduled to sail on the *Washington* yesterday. The sailing was postponed until tomorrow, however, and Banks may take the *Clipper* on Saturday instead. He will be accompanied by Russell Muth and Bonney Powell of Movietone News.

Banks, who directs the Gracie Fields films, says he will produce independently if 20th Century-Fox decides not to resume production. A decision is due before Robert T. Kane, British production chief, returns to England at the end of the month.

The biggest problem at the English studios is lack of production staffs, and Banks is planning to bring out some Hollywood people. He said there would be no difficulty about working permits.

Grantland Rice Party

Cities Service Co. and NBC will tender a cocktail party to Grantland Rice, noted sports writer, on Friday in the Le Perroquet Room of the Waldorf-Astoria. Rice has been signed by the company for a sports stint for the football season in the "City Service Concerts" which are broadcast over NBC.

Consolidated Film's 2-Month Net High

Consolidated Film Industries, Inc., and subsidiaries report consolidated net income for July and August, after depreciation and normal Federal taxes, of $151,416.

For the third quarter, ended Sept. 30, net income is estimated at $232,000, equivalent to 58 cents per share on the 400,000 outstanding shares of $2 preferred stock, according to Herbert J. Yates, president. For the third quarter of 1938, net income was $218,763, equal to 54 cents per share.

Yates, in a statement, declared that in his opinion the adverse effect of the foreign situation on the film industry will be offset in a measure by the steps now under way generally throughout the industry to reduce overhead. He added:

"Also the increasing employment and rising national income accompanying the wartime acceleration of business in this country should reflect itself in increased theatre attendance during the 1939-'40 season and prove an important offsetting factor."

Yates said that Republic, in which Consolidated has a substantial interest, is expected to make further progress during the current season, with an elaborate program scheduled. He indicated that plans for the further expansion of business of Consolidated are being worked out.

Canada Appoints Its Film Censors

TORONTO, Sept. 20. — Walter S. Thompson, newly-created Chief Censor for Canada, has appointed Claude Melancon of the Canadian National Railways to the Federal Censor Committee to work in conjunction with L. Clare Moyer, Clerk of the Senate, who has been named as Federal Censor for motion pictures for the duration of the war. It is understood that Melancon will direct the censorship of French language films.

Photophone Closes Deal

A service contract covering 24 theatres has been closed between Alpine Theatre Circuit, Inc., and RCA Photophone. The circuit's houses are mostly in West Virginia, with a few in Pennsylvania. C. A. Anderson, circuit head, negotiated the contract with James W. Cocke, RCA district manager, and W. C. Jervis, RCA Photophone sales representative in the Pittsburgh territory.

WKRC Southern Key

TORONTO, Sept. 20.—Charters of four to WKRC becoming a basic Mutual outlet, effective Sunday, the station will be the key outlet for the newly-formed Southern network which joins Mutual Sunday. Stations affiliated with the Southern web are WLAP, Lexington, WMCI, Ashland, WGRC, Louisville, and New Albany, and WSIX, Nashville.

Add 8 Stations

Corn Products Sales Co. new daytime serial on CBS, "Society Girl," which starts on the network Oct. 9, will be heard over eight additional stations, bringing its total to 44 stations. The show will be heard Monday through Friday at 3:15 P. M.

125 Film Houses Arrange Legitimate Play Bookings

With a total of 450 dates arranged, of which 125 are in film houses, Fortune Gallo and Arthur M. Oberfelder, co-sponsors of the Legitimate Theatre Corp. of America, will set out next month to prove that the road is not dead for legitimate stage productions.

Rehearsals for "What a Life!" began yesterday, and "Golden Boy," "On Borrowed Time" and Eva Le Gallienne in an Ibsen repertory get under way within the next fortnight.

In 32 of the 125 cities where bookings have been made, film houses will be used. Almost all will show all four plays thus accounting for 125 dates. The producers sell the play for a flat fee with the exhibitor paying all promotional expenses and providing the house.

Regular evening show time is allotted to the plays, many exhibitors believing that a legitimate play provides an interesting variation. However, evenings used are Monday through Thursday only, thus leaving the weekends open for films.

Remaining 325 dates are scattered through regular road legitimate houses, colleges and auditoriums where the play is sponsored by branches of the Junior League, service organizations, municipalities, publishers and individual managers.

In many localities, subscriptions have been sold for the entire series of four plays, thus assuring at least a minimum audience. Many of the film houses have experimented previously with live talent shows, a number of them having housed Gallo's touring opera companies.

The bookings extend from Oct. 9 to mid-April with a two-week layoff during the Christmas holidays for "Golden Boy" and the Ibsen repertory companies, and a four-week layoff for the other companies.

"What a Life!" opens Oct. 9 at the Wilson, Detroit. Other opening dates are "Golden Boy" at the Lyric, Richmond, Va., Oct. 13; "On Borrowed Time" at the Stanley, Utica, Oct. 17; and the Ibsen company at the Shubert, New Haven, Oct. 23.

Film houses which have booked the shows are the Colonial, Akron, O. (Shea); Rio, Appleton, Wis. (Standard); Babcock, Billings, Mont. (Fox-Intermountain); Pinney, Boise, Idaho (Paramount); Paramount, Cedar Rapids (Blank); Capitol, Davenport (Blank); MacDonald, Eugene, Ore. (Evergreen); Grand, Evansville, Ind. (Independent); Palace, Fort Wayne, Ind. (Quimby); Grand Opera House, Great Falls, Mont. (Fox-Intermountain); Bay, Green Bay, Wis. (Standard); Marlowe, Helena, Mont. (Fox-Intermountain); B. F. Keith, Huntington, W. Va. (Independent); Kenosha, Kenosha, Wis. (Standard); Capitol, Madison, Wis. (Standard); Alvin, Minneapolis, (MinnesotaAmusement); Wilma, Missoula, Mont. (Fox-Intermountain); Strand, Oshkosh, Wis. (Standard); Mayfair, Portland, Ore. (Independent); Chateau, Rochester, Min. (Minnesota Amusement); Coronado, Rockford, Ill. (Great States); Orpheum, St. Paul (Minnesota Amusement); Capitol, Salt Lake City (Paramount); Orpheum, Sioux City (Mort Singer); Fox, Spokane (Evergreen); Temple, Tacoma, Wash. (Evergreen); Grand, Topeka (Fox); Capitol, Walla Walla (Fred Mercy); Paramount, Waterloo, Ia. (Blank); Fox-Orpheum, Wichita (Fox); Capitol, Yakima, Wash. (Fred Mercy); and Park, Youngstown, O. (Shea).

Watkins Show Signs For a Year on NBC

First across-the-board afternoon sale on the Blue network has been made by the NBC sales department. Pioneer show is to be the R. L. Watkins Co. dramatic serial, "Orphans of Divorce," starting on Monday. The contract is for 52 weeks.

The serial has been a once weekly evening serial on the Blue. The new schedule is Monday through Friday from 3 to 3:15 p.m. Blacket-Sample-Hummert is the agency.

Shoot Film in Georgia

HOLLYWOOD, Sept. 20.—Paramount will send a complete cast and technical crew of 200 to Albany, Ga., to produce "The Biscuit Eater," in its entirety. Leaving Hollywood in mid-October, the company will be gone for about two months.

CBS, Agency Sued By Indian Singer

CBS, General Foods, Young & Rubican, and Ralph Allen, the latter also known as Kuruks Pahitu, were named defendants yesterday in a $50,000 libel suit filed in the New York Supreme Court by Wesley L. Robertson, American Indian singer.

Robertson claims that on June 13 of this year Allen was introduced over WABC during the "We the People" program as the Indian singer who had entertained the King and Queen of England while they were guests of President and Mrs. Roosevelt. As a matter of fact, the complaint stated, Robertson had been the singer and Allen had merely accompanied him.

Kaltenborn Starts On Speaking Tour

H. V. Kaltenborn, CBS news analyst, leaves today on a speaking tour that will take him through the South, West and Midwest. The tour, however, will not interfere with his commercial radio program for Puroil Co.

The tour opens in Richmond, Va., followed by dates in Cincinnati, Albany, Wilmette, Ill.; Parkersburg, W. Va.; Chicago, Lexington, Ky.; Moline, Ill., and Akron, O. Closing date of the tour is Oct. 10.

First Symphonic Short

The first of Paramount's three Symphonic shorts for the 1939-40 season, "The Blue Danube Waltz," has been completed and is scheduled for national release on Sept. 29, Lou Diamond, head of Paramount's short subject department, announced yesterday.

Dietz Lectures at 'U'

Howard Dietz, director of advertising and publicity for Metro-Goldwyn-Mayer, was guest of honor yesterday afternoon at the opening lecture on "The Cinema as Literary Art," new course offered by the English department of New York University, Washington Square College.

Radio Poll Favors Neutrality Repeal

A survey on public opinion on the Neutrality Act has just been completed by Johannes Steel over WMCA, and the results are to be sent on to Washington.

All told, 1,510 letters and telegrams were received by Steel, of which 93 per cent favored repeal of the legislation, nine per cent favored rewriting the act for the cash and carry basis, and slightly more than seven per cent opposed any change in the act.

It is the first such poll to be undertaken by radio.

Subsidiaries Face F. P. Canadian Step

TORONTO, Sept. 20.—Charters of four subsidiary companies in Ontario of Famous Players Canadian Corp., will be surrendered in a move to simplify control of units of the circuit. Application has been made to the Ontario Provincial authorities for surrender of the incorporation papers.

Theatres affected are the Capitol in Peterboro; Village Theatre, Forest Hill Village; Bloor Theatre, Toronto, and the United Theatres in Hamilton. Under the reorganization they become an actual part of the Famous Players circuit.

CBS Salutes WCKY In Program Sunday

CBS will welcome its new 50,000-watt affiliate, WCKY, Cincinnati, to the network on Sunday with a special salute broadcast from 6 to 6:30 p.m., highlighted by addresses by Governor Chandler of Kentucky and Governor Bricker of Ohio.

Program, produced by Al Rinker of the CBS production staff, will present Genevieve Rowe, Beatrice Kaye, Ray Block's orchestra and Barry Wood, and the Four Clubmen.

Acquisition of WCKY will make a total of 16 stations of 50,000-watt power affiliated with CBS.

Poll Shows Patrons Desire War Scenes

DES MOINES, Sept. 20.—At least 80 per cent of Des Moines film patrons want war scenes in their newsreels, according to a recent vote taken by Tri-States Theatre Corp., in their Des Moines theatres on two successive nights.

The company decided to give the public an opportunity to decide if war subjects should be included in the newsreels after hearing some persons declare they did not want war subjects to conflict with their pleasure. The vote is being taken in all of the Tri-States theatres.

Stromberg in Handbook

Hunt Stromberg, producer, will contribute an article to "Theatre Handbook," by Bernard Sobel, a member of Howard Dietz's publicity staff at M-G-M. The book is said to be the first to coordinate the stage with motion pictures, radio, television and general literature. Crown Publishers will issue the book late in October.

SENSATIONAL!

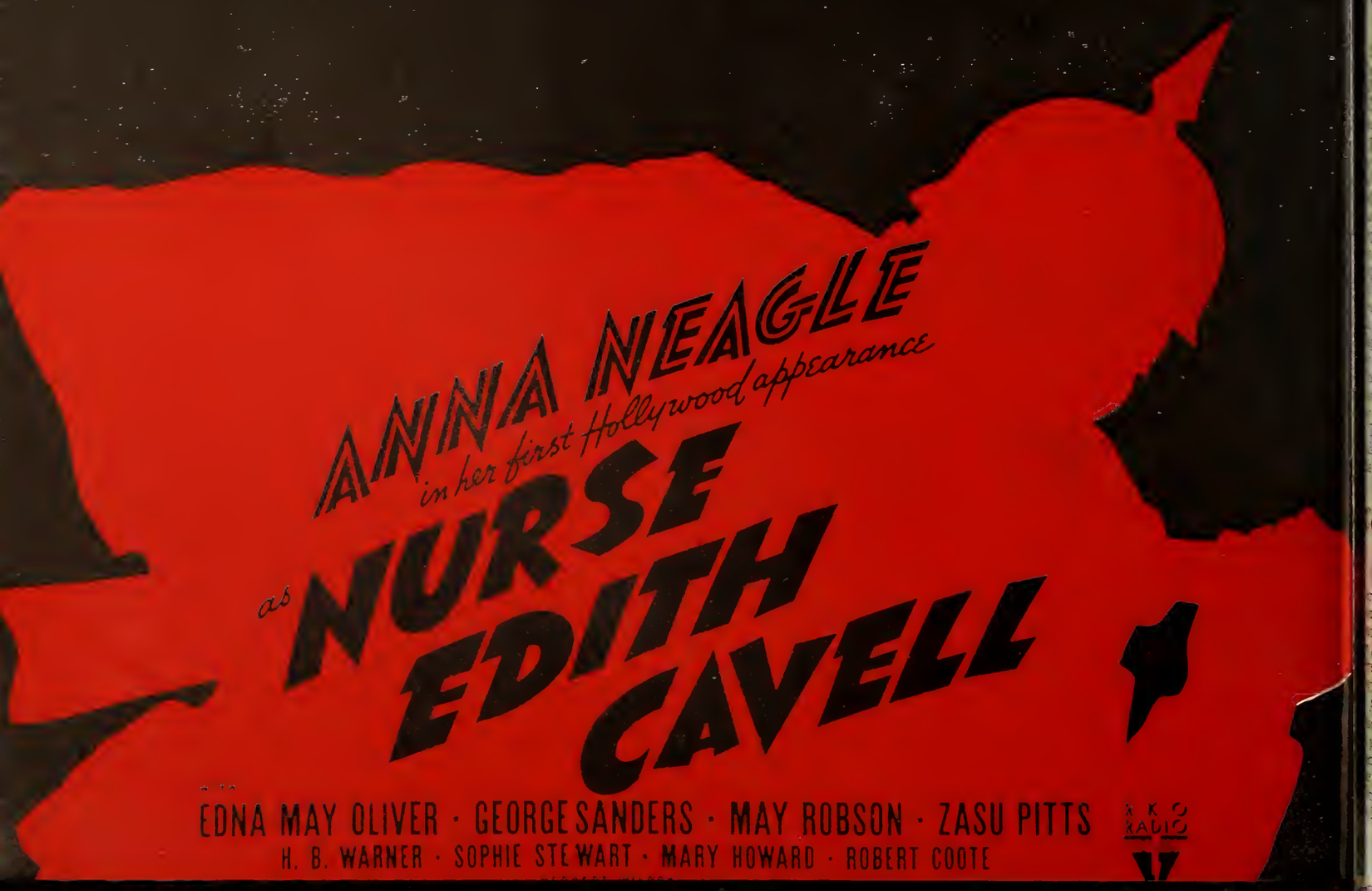
..AND THROBBING WITH THE SAME STARK DRAMA THAT GRIPS THE HEARTS OF ALL OF US AS WE HANG ON EVERY LATEST WORD OF WAR NEWS!..

ANNA NEAGLE as NURSE EDITH CAVELL

ONE WOMAN AGAINST THE MIGHTY WAR MACHINE . . .

smuggling human contraband through a ring of deadly steel . . . Matching her life against the wits of Imperial Germany's war lords . . . Living every minute on a human powder keg . . . her fate at last one of the incidents that helped arouse the world to fury! DRAMA DEEPER THAN FICTION, superbly told, magnificently acted, and great beyond fears—A NEW EXPERIENCE IN THE THEATRE!

OPENING THIS WEEK . . . RADIO CITY MUSIC HALL



'Rains Came' Los Angeles' Best, $39,500

LOS ANGELES, Sept. 20.—"The Rains Came," dualed with "Stop, Look and Love," was the leader here, grossing a total of $39,500 at two houses, $19,300 at the Chinese and $20,200 at Loew's State. Business was off otherwise, no other house succeeding in clicking more than average.

Estimated takings for the week ending Sept. 20:

"The Rains Came" (20th-Fox)
"Stop, Look and Love" (20th-Fox)
CHINESE—(2,500) (30c-$1.00) 7 days. Gross: $19,300. (Average, $12,500)
"Four Feathers" (U. A.)
4 STAR—(900) (40c-50c) 7 days, 5th week. Gross: $3,150. (Average, $3,250)
"Golden Boy" (Col.)
"Five Little Peppers and How They Grew" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days, 2nd week. Gross: $4,800. (Average, $6,500)
"The Rains Came" (20th-Fox)
"Stop, Look and Love" (20th-Fox)
LOEW'S STATE—(2,500) (30c-$1.00) 7 days. Gross: $20,200. (Average, $14,000)
"Golden Boy" (Col.)
"Five Little Peppers and How They Grew" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days, 2nd week. Gross: $4,700. (Average, $7,000)
"Beau Geste" (Para.)
"Hero for a Day" (Univ.)
PARAMOUNT—(3,595) (30c-65c) 7 days, 2nd week. Gross: $13,500. (Average, $18,000)
"The Old Maid" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days, 2nd week. Gross: $9,130. (Average, $14,000)
"The Old Maid" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days, 2nd week. Gross: $9,200. (Average, $12,000)

Connecticut Allied Nominates Officers

NEW HAVEN, Sept. 20.—Allied Theatres of Connecticut nominated the following slate of officers for the year 1939-40 at a meeting, with Maurice Shulman presiding:

For president: Charles Repass, of the Crown, Hartford; A. M. Schuman, of the Black Rock, Bridgeport, and Martin Keleher, of the Princess, Hartford. Vice-President: Charles Repass, A. M. Schuman, Martin Keleher and Samuel Hadelman, of the Capitol, Bridgeport. Treasurer: Jack Schwartz, West End, Bridgeport, and Leo Schapiro, Guilford, Guilford. Executive Secretary: Lawrence C. Caplan. Chairman of Board of Directors: Dr. J. B. Fishman, Fishman Theatres, New Haven, and Maurice Shulman, Webster and Rivoli, Hartford.

The election meeting has been scheduled for Oct. 3 at the Hofbrau Haus here.

Central America Air Facilities Improved

WASHINGTON, Sept. 20.—More effective broadcasting facilities for the countries of Central America, Panama and the Canal Zone are provided for in a proclamation issued yesterday by President Roosevelt, as announced today by the State Department.

At the same time, the Department disclosed that the President has issued a proclamation on the revision of the general radio regulations annexed to the international telecommunications convention adopted at Madrid in 1932, and amended at Cairo last year.

Radio's Arch Oboler Tells How Films Should Be Made

By AL FINESTONE

Arch Oboler, NBC's one-man production unit, is heading for Hollywood Oct. 1 to show 'em how.

For five years he has been writing for radio.

He not only writes, but insists on directing and casting his plays. He has had carte blanche from NBC.

When Oboler, who is in his early 30's, gets to the Gold Coast he will carry on his radio producing for the network, but he may do some film work as well.

In his first program from Hollywood, he plans to have Nancy Kelly of 20th Century-Fox.

"I never wore any man's collar in radio," says Oboler, "I write and produce as I see fit. I wouldn't be successful otherwise.

"Motion pictures have grown up to a point where they can be a two-man affair—the writer and director. The explanation of Garson Kanin's success is that he works with a writer. There are two or three well-known combinations of this kind. Wesley Ruggles follows this system, and so does Frank Capra.

"I have known of instances where a dozen writers worked on a picture and of one film that was handled by 29 script doctors. How can a picture have any integration under this method? If radio programs were produced the same way we would never get anything done. I see no reason, if you take away the hocus pocus, why a film cannot be made in a minimum amount of time."

"In Hollywood," says Oboler, "if a writer turned out a script in a week, they'd figure it couldn't possibly be good. A script that takes six months to write is supposed to be better. Some of the writers who turned out 'B' radio are now making 'B' pictures. When they have written four lines of dialogue they have to go to Palm Springs to recuperate.

"But some radio men are excellent in films because they had to learn how to create good material under pressure. Things move too fast in radio to permit bluffing. If a job can be done in two days, an honest writer will do it.

"With foreign film markets curtailed as a result of the war, maybe the picture studios will change their system and cut out the stalling and a lot of the waste motion."

In his five years in radio, Oboler has written 375 plays and says he is willing to gamble his money on 175 of them as being good picture material. M-G-M has shown interest in his "Lonely Heart," the story of a lady's unrequited love for Tschaikowsky, which he produced recently on NBC starring Alla Nazimova, for whom he wrote the play.

"Alter Ego," one of Oboler's scripts, was chosen the prize radio play in 1938. It starred Bette Davis.

Anniversary

Cleveland, Sept. 20.—The 50th anniversary of motion pictures will be observed here, starting tomorrow with a large exhibition in the Terminal Tower. Dorothy Lamour's original sarong and Gary Cooper's "Beau Geste" costume will be among the articles displayed for the local fans.

"The Great Train Robbery," released in 1903, will be shown. The celebration, to run two weeks, will be launched with a civic luncheon tomorrow afternoon.

Fox Will Re-Issue Two War Pictures

Twentieth Century-Fox announced yesterday that "The Road to Glory" and "The First World War" will be re-issued immediately.

"The Road to Glory," which dramatizes activities of a heroic French regiment in the first World War, stars Warner Baxter, Fredric March and Lionel Barrymore. It was first released in 1936.

"The First World War," released in 1934, is a documentary film showing the grim horrors of actual battle.

Aherne in 'My Son'

HOLLYWOOD, Sept. 20.—Edward Small has signed Brian Aherne for the lead in "My Son, My Son," in which Louis Hayward will appear. Production will start on Nov. 1.

FCC Orders WMCA Hearing on Sept. 27

WASHINGTON, Sept. 20.—Officers of Station WMCA, New York, today were ordered by the Federal Communications Commission to appear before it on Sept. 27 to show cause why its license should not be revoked for violation of the secrecy provisions of the Communications Act.

The station is charged with having intercepted and broadcast secret radio communications of the British and German Governments.

In setting the date for the hearing, the commission stated that an affidavit filed by William Weisman, vice-president of the Knickerbocker Broadcasting Co., in compliance with an F.C.C. order, was not complete, and that the commission has made its own investigation of the alleged interception and broadcasting by the station.

Circuits Set Union Deal in Cleveland

CLEVELAND, Sept. 20.—A threatened strike in theatres of the Loew, RKO and Warner circuits has been averted by signing of new contracts continuing present union scales here for another year, according to Harry Holmden of the I.A.T.S.E.

Col. Harry Long of Loew's, Nate Wolf of Warners and Nat Holt of RKO, district managers, signed the agreements. The agreement, in effect the last two years, expired several weeks ago, Holmden said, and negotiations have been under way since, with the circuits proposing salary cuts.

Still under way are negotiations with the independent theatre owners, represented by the Cleveland Motion Picture Exhibitors' Association.

Philadelphia Gives 'Winter', Kaye $20,100

PHILADELPHIA, Sept. 20.—Sammy Kaye and his orchestra, with "Winter Carnival" on the screen, grossed a good $20,100 at the Earle. "The Old Maid" earned $15,100 for the second week of its engagement at the Boyd.

Estimated takings for the week ending Sept. 14:

"The Under-Pup" (Univ.)
ALDINE—(1,700) (32c-42c-57c) 7 days. Gross: $9,000. (Average, 7 days, $8,000)
"The Old Maid" (W.B.)
BOYD—(2,400) (32c-42c-57c) 7 days, 2nd week. Gross: $15,100. (Average, $10,000)
"Winter Carnival" (W.B.)
EARLE—(2,400) (32c-42c-57c-68c) 7 days (6 days stage). Stage: Program headed by Sammy Kaye and his orchestra. Gross: $20,100. (Average, $16,000)
"Dust Be My Destiny" (W.B.)
FOX—(3,000) (32c-42c-57c) 7 days. Gross: $14,400. (Average, $13,000)
"The Wizard of Oz" (M-G-M)
KARLTON—(1,000) (32c-42c-57c) 8 days 2nd week, 2nd run. Gross: $4,100. (Average, 7 days, $3,000)
"Each Dawn I Die" (W.B.)
PALACE—(1,000) (26c-42c) 7 days, 3rd run. Gross: $5,700. (Average, 7 days, $4,200)
"In Name Only" (RKO)
STANLEY—(3,700) (32c-42c-57c) 7 days. Gross: $11,500. (Average, $14,000)
"Blackmail" (M-G-M)
STANTON—(1,700) (26c-32c-42c) 8 days. Gross: $5,400. (Average, 7 days, $4,500)

'Women' Cleveland Winner at $18,000

CLEVELAND, Sept. 20.—"The Women" brought a six months' high to Loew's State, with a take of $18,000. "I Stole a Million" at the RKO Palace, which, with Artie Shaw opening the vaudeville season, drew $21,000.

Estimated takings for the week ending Sept. 14:

"In Name Only" (RKO)
ALLEN—(3,000) (30c-35c-42c) 7 days, 2nd week. Gross: $4,000. (Average, $4,000)
"The Old Maid" (W. B.)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $13,000. (Average, $11,000)
"I Stole a Million" (Univ.)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Artie Shaw and show on stage. Gross: $21,000. (Average, $12,500)
"The Women" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $18,000. (Average, $11,000)
"Lady of the Tropics" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $3,500. (Average, $4,000)

Maryland Manager Indicted for Game

SALISBURY, Md., Sept. 20.—The Wicomico County Grand Jury has returned indictments against the manager and ticket seller of a local theatre here on lottery charges following Bank Night investigations on the Eastern Shore of Maryland.

Indicted were Manager Robert Daily and Lucy Neal, ticket seller. They were indicted after Chief Judge Benjamin A. Johnson asked the Grand Jury for investigation of Bank Night practices at the theatre. They will be arraigned this week. Heavy fines are provided for violation of the state's lottery laws.

John McNamara Dies

John McNamara, former operator of the Atlantic in Atlantic Highlands, N. J., died at his home in Maine, where he had been living in retirement. He had been connected with the legitimate stage and motion picture exhibition for many years.

ACCLAIMED



The new 1939-40 International Motion Picture Almanac has been received throughout the industry with unanimous acclaim. Revised, enlarged and brought up to the minute, it includes more than 1100 pages crammed with facts and figures covering every phase of the business.

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VOL. 46. NO. 58 NEW YORK, FRIDAY, SEPTEMBER 22, 1939 TEN CENTS

Chicago Sees Legion Week Gross Losses

Expect 100,000 to Attend 'Spectacle of Stars'

CHICAGO, Sept. 21.—The American Legion is coming to Chicago next week, and the best show is expected to be on the streets. A show in itself, the national Legion convention will have free big attractions daily in the downtown section, and theatre business is expected to fall off.

Neighborhood theatres anticipate their grosses will be hurt badly, as the crowds will throng in the Loop area, which will have the usual Legion circus atmosphere.

Highlight of the week will be a "Spectacle of Stars" staged by the Legion at Soldier's Field. The huge show will be held Wednesday evening and more than 100,000 are expected to attend. There will be a small admission charge for this, but the other attractions will be free.

Film Stars Participate

Film personalities who will participate in the show include Eddie Cantor and his troupe, Jack Benny, Ann Sheridan, Mary Pickford, Bob Hope, Jane Withers, Morton Downey and others.

Miss Sheridan is due here Monday to make appearances that evening at the Warner Avalon and the B. & K. Chicago theatres. On Tuesday, she will lead the big Legion parade, riding a white stallion.

Monday night the Legion posts' fife and drum corps, bands and drill teams will stage their annual contests at Soldier's Field.

No Shortage Faced By Eastman Kodak

ROCHESTER, N. Y., Sept. 21.—No shortage as a result of the war, which would "endanger" operations of Eastman Kodak Co., is foreseen by the company, its employes have been informed by bulletin board notices, since Eastman has reduced its dependence upon foreign materials to an absolute minimum.

The company declares that in 1914, when large stocks of paper, gelatine, dyes, fixative, glass and other materials were imported, mostly from Germany, it had to make "frantic efforts" to accumulate stocks from abroad. Today, however, employes were told, almost all of these materials are manufactured in the United States.

Victor in Election, I. A. Opens Studio Wage Talks Today

HOLLYWOOD, Sept. 21.—I.A.T.S.E. representatives and producers agreed today to meeting at 2:30 P.M. tomorrow for continuation of bargaining conferences in which wage scales and working conditions will be determined.

Ascertained, too, through the overwhelming victory of I.A.T.S.E. at the N.L.R.B. poll yesterday, was the fact that William Bioff, former personal representative of George E. Browne, international president of Alliance, would resume the post as head of the West Coast studio local's bureau.

Balloting yesterday up until midnight showed I.A.T.S.E. won over C.I.O.-financed United Studio technicians Guild by 4,460 to 1,967.

Bioff today requested the interview as agreed upon last week when negotiations were postponed and the result was an appointment for tomorrow.

I.A.T.S.E. is asking a general 15 per cent wage increase and a 20 per cent increase for some classifications of workers.

The victory through the N.L.R.B.-ponsored vote puts I.A.T.S.E. in a stronger position in Hollywood labor circles than ever before. The way is now cleared for reentry into the basic tudio agreement.

Before announcing he was leaving for Mexico City and South America on a journey to line up added Latin

(Continued on page 2)

U. S. HINTS NO NEW DRIVE ON INDUSTRY

Push Clocks Back

Daylight Saving Time for 1939 comes to an end this Sunday at 2 A. M., at which time all clocks must be pushed *back* one hour, to permit a return to Eastern Standard Time—until next April.

Studios Stop Work During Heat Wave

LOS ANGELES, Sept. 21.—The five-day record-breaking heat wave in Hollywood and Los Angeles during which all thermometer readings for the last quarter century were erased, is wreaking havoc in the studios.

Even outdoor locations in the high San Bernardino Mountains, where Shirley Temple's "The Blue Bird" is in work, where Harry Sherman's troupe is on location and where sequence shots for "Drums Along the Mohawk" are being shot were forced to suspend.

At Universal, Republic and Warner studios in San Fernando Valley, where 120 degrees temperature has

(Continued on page 2)

Government to Ease Pressure Upon Business In War Period

By BERTRAM F. LINZ

WASHINGTON, Sept. 21. — Department of Justice officials intimated today that no new "drive" against the film industry is contemplated at this time.

The information is regarded as significant, coming as it does on the heels of frequent reports that the Department's campaign against the industry is being viewed with increasingly widespread disfavor in official quarters here since the industry's beleagured position was highlighted by its loss of foreign markets.

The intimation was given in connection with a discussion of the recent changes in New York and Chicago staffs of the anti-trust division. Department officials explained that the assignment of additional men to Chicago and transferals from New York were merely "routine" changes under Departmental policy of shifting men from time to time to points where they may be needed.

No new office is being opened in Chicago, it was said, but, as in New York, the agents will work out of the Department's established offices.

The additional men assigned to Chicago, it was indicated, are necessitated by the anti-trust drive about to be

(Continued on page 2)

Television Enjoying Great Impetus, Reports Morton

By ALFRED FINESTONE

Alfred H. Morton, vice-president of NBC in charge of television, believes that the new industry will receive great impetus this Fall and Winter, commercially as well as in its technical and program phases.

For one thing, RCA, in conjunction with NBC, in two weeks will launch an intensive merchandising campaign aimed to stimulate the sale of receivers. In support of this effort, NBC is planning a series of programs designed to transcend anything heretofore achieved in visual broadcasting.

Morton has disclosed an augmented Fall schedule of transmissions, starting next Tuesday, which will provide ultimately for one daytime and one evening show five days a week to televiewers in the New York area. It is hoped to gain a wider audience through the uniformity of the schedule, which later will include a Saturday night program.

With an accurate count lacking, Morton estimates there are now between 800 and 1,200 receiving sets operating in the metropolitan area. This is quite a jump over the 500 installations estimated at the start of television as a public service on April 30. The increase is attributed to the improvement in program technique developed by the NBC production staff. A jump in the sale of sets has been noted since early this month, when programs showed further improvement following a summer of experimentation.

Morton is convinced that regardless of retarding factors, such as the hesitancy or unwillingness of the organized motion picture industry to cooperate, television will continue to make strides. The major

(Continued on page 8)

Majors Will Fight Questions By U. S.

Counsel for defendants in the Government's New York anti-trust suit, conferred yesterday on procedure in connection with answering the 68 detailed interrogatories recently served upon them by the Department of Justice.

Indications following the meeting were that most defendants will oppose answering the interrogatories on the grounds that they are too broad, or that the Government already has the information or that defendants are not in possession of some of the information sought.

The latter procedure was resorted to frequently by the Department of Justice when it was required by the court to answer the bills of particulars served upon it by the defendants.

United Artists, following its individual policy, was not represented at the meeting and, according to indica-

(Continued on page 8)

I. A. Will Act On Pact After Studio Victory

(*Continued from page* 1)

American markets, Joseph M. Schenck, A.M.P.P. president, issued the following statement:

"By a majority vote of the workers, I.A.T.S.E. has been legally designated as negotiation agency to conclude a new working agreement with film producers. It is my hope that all concerned will conduct themselves solely with a view toward bringing about industrial peace and harmony and that there will be no reprisals or discriminations. I have today appointed Y. Frank Freeman, E. J. Mannix and Mendel Silberberg on behalf of the producers to meet with the I.A.T.S.E. committee Friday afternoon to conduct negotiations."

Considers Re-Entering 5-Year Basic Agreement

The I.A.T.S.E., following its certification as bargaining representative for studio craft workers in Wednesday's election on the Coast, is expected to decide at once on whether it will reenter the five-year basic agreement with the major companies when negotiations under the pact are reopened here next month.

The I.A. withdrew from the pact last Spring, but has given indications that it would reenter if it won the studio crafts' election.

Annual negotiations under the five-year agreement were opened here several weeks ago with the other four international unions which are signatories of the agreement. They are the American Federation of Musicians, International Brotherhood of Teamsters & Chauffeurs, I. B. of Carpenters & Joiners, and I. B. of Electrical Workers. The negotiations were adjourned until late next month when the I.A.'s decision on reentering the agreement will be made known.

Negotiations between producers' and the I.A. on behalf of the studio crafts, which were held in abeyance pending the election, are scheduled to be resumed in Hollywood at once. Also slated for an early settlement is the I.A.'s claim to jurisdiction over studio cameramen.

Negotiations between the eastern cameramen's local and the five newsreels will be resumed here today in Casey's office.

Newsreels Deliver Roosevelt Clip Late

All newsreels covered the address of President Roosevelt yesterday on neutrality legislation before the joint session of the Congress, called in special session, and shipped the Roosevelt clips a day later than the balance of the reel.

The exception, however, was Paramount, which held the entire reel until the Roosevelt clip had been prepared, and shipped the reel as one. With the time available, Paramount devoted about half the footage to the events in Washington, used a clip on the Louis-Pastor fight of Wednesday night, and made up the rest of the reel with miscellaneous material from England and this country.

Purely Personal

WILL H. HAYS is scheduled to leave the Coast by train today, arriving in New York on Monday. He is returning to attend the quarterly meeting of the M.P.P.D.A. board, scheduled for next Wednesday.

•

GEORGE J. SCHAEFER, RKO president, has postponed his projected trip to the Coast again. Scheduled to leave today, his departure is now indefinite.

•

PAT CASEY, producers' labor representative, plans to leave for the Coast Monday, where he will remain for three or four weeks before returning to New York.

•

JAMES MULVEY, SAMUEL GOLDWYN'S eastern representative, returned to New York yesterday from the Coast.

•

The OSCAR DOOBS have moved from Park Ave. to a duplex on E. 70th St.

•

FRANKLYN WARNER, head of Fine Arts, and HENRY BLANKENHORN flew West on the TWA Skychief yesterday.

•

MRS. MARGARET RUSSELL GANZ, wife of PHILIP GANZ and former secretary to ROBERT N. GILLHAM, Paramount director of advertising and publicity, gave birth to a 6½-pound son yesterday morning at Sydenham Hospital.

•

HARRY GOLDBERG, advertising director for Warner Theatres, conferred in Albany with M. A. SILVER, zone manager there.

•

PAUL BARON, Universal district manager, visited old friends at the company's Albany branch.

•

LEO DREXLER, Warner Theatres assistant contact manager with headquarters in Albany, is out of the hospital after a long siege of illness following a fall from a horse, and will be back at his desk in October. Meanwhile, BERNARD FRIEDMAN of the Warner home office has been filling in for him.

•

OSCAR PERRIN, acting manager of Fabian's Palace in Albany, was a spectator at the Eastern League playoffs between Albany and Scranton, in Albany. PERRIN'S son, OSCAR, JR., performs at first base for the Albany team.

•

FRANCIS CURLEY has returned to St. Louis after a two-week visit in Albany to his brother, JULES, advertising manager in the upstate New York district for Warner Theatres.

•

Recent out-of-town visitors were MR. and MRS. T. C. MCELROY, Rex Theatre, Vale, Oregon; H. SHAPIRO, Anthony Wayne Theatre, Wayne, Pa.; E. ROCHEFORT, Shelter Bay Music Hall, Shelter Bay, Quebec; MRS. JOHN ANTON, Anton Theatre, Monongahela, Pa.; W. BERNARD DEMING, Star Theatre, Upper Sandusky, O., and MR. and MRS. P. SCHRAM, Orpheum Theatre, Kalamazoo, Mich.

•

ARTURO MOM, director of Argentine films, is in town after a trip to Europe.

MARY PICKFORD, HARRY GOLD, MARIE WILSON, NICK GRINDE, MONTE BANKS, EDWARD GOLDEN, JAMES MULVEY, ARTHUR KELLY and ABE WAXMAN among those at BOB GOLDSTEIN'S Tavern for lunch yesterday.

•

WILLIAM A. SCULLY, SAM SHAIN, E. K. O'SHEA, PEGGY O'DONNELL, TOM CONNERS, TOBY GRUEN, RUSSELL HOLMAN, WILLIAM F. RODGERS, JOHN HICKS, AL RICHARD, PAT SCOLLARD, WILLIAM ORR, SIDNEY PHILLIPS and MAX A. COHEN lunching at Nick's Hunting Room in the Astor yesterday.

•

Elmer Lee Hawaiian troupe will arrive in New York tomorrow by TWA to open an engagement at the St. Regis.

•

GINGER ROGERS will make two radio appearances soon—Monday in the Lux Radio Theatre show and opposite CLARK GABLE on October 1.

•

ROY HAINES, Warner eastern and Canadian sales manager, left yesterday for a business trip to Buffalo and will return Monday. He was accompanied by CHARLES RICH, Buffalo branch manager who had been in New York for several days.

•

IRA MEINHARDT, theatrical attorney and son of WILLIAM MEINHARDT of Tacney Film Service, will be married Oct. 29 to Miss Thelma Donay.

•

WILLIAM LEBARON, Paramount's managing director of production, will plane out of Hollywood tonight via TWA for New York for conferences with eastern executives of the company on forthcoming studio product.

•

MANUEL GARCIA VINOLAS, head of the Spanish National Motion Picture Service, a Government bureau, has returned to Spain after a short visit here.

Studios Stop Work During Heat Wave

(*Continued from page* 1)

been consistent since Monday, work is virtually at a standstill.

Oppressive heat forced the abandonment of all activities at M-G-M and Fox. Paramount, RKO and Columbia have been dismissing employees early.

Activity along the film row is virtually nil as almost all of the exchange offices are letting workers go home early.

Collapses of various stars and featured players on studio sets were reported. The official temperature today was 107 degrees.

RKO Bowling League

RKO inter-department bowling league got under way last night with forty employees entered. The League committee consists of James A. Clark, ad sales manager, chairman; L. E. Gaudreau, purchasing agent, and C. S. Fretz, auditor. John A. Farmer is club treasurer and J. S. Yeransian, secretary.

No New Drive Against Film Trade by U.S.

(*Continued from page* 1)

opened against the building material industry in some 30 cities and to carr on other investigations which hav been under way.

Government to Relax Pressure on Business

WASHINGTON, Sept. 21.—Relie from Government pressure on busi ness, including the film industry, wa seen by observers here in the plea o President Roosevelt to the joint ses sion of Congress today that busines legislation, which includes the Neel block booking bill, be left in suspen sion until the regular Congressiona session in January.

The President's remarks to the spe cial session on neutrality legislatio were interpreted here as indicating a desire on the part of the Administra tion to do nothing to disturb industry in general until it has adapted itsel to war conditions.

A possible effect on film industry activities abroad is seen in the provi sion of President Roosevelt's neu trality program which would keep al American citizens out of the Euro pean danger zone during the period of the war. The neutrality progra was presented to Congress today.

American ships would be restricted from entering danger zones and Amer ican citizens prevented from traveling on belligerent vessels or in danger areas.

Finish Yiddish Film

Completion of "A People That Shall Not Die," Yiddish film with English titles, is expected soon by Henry Lynn, producer. Most of the picture, now being cut here, was produced in Europe. Release is slated for late next month.

Muni Here Today

Paul Muni arrives today from the Coast. He will be starred in Maxwell Anderson's new play, "Key Largo," which goes into rehearsal early next month. Edmund Goulding, director, is accompanying Muni here.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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yes, it's
LANA TURNER
and she's
on the way
to stardom!

JUST SCREENED "DANCING CO-ED"! IT'S TERRIFIC!

One after another the red-hot hits are pouring out of M-G-M's sizzling studio! Every week a new smash! Embrace "The Women" and *hold!* Follow with "Blackmail" action barrage. And "Thunder Afloat" (*best in 19 months, Washington, D. C. Premiere!*) And then (*while "Babes in Arms" World Premiere Biggest in 5 years at Houston!*) make a date with delirious "Dancing Co-ed."

they'll be dancing in the aisles!

"DANCING CO-ED"



and Leo's
dancing
with joy!

yes, it's
ARTIE SHAW
and his No. 1
swing band!



with Lana Turner, Richard Carlson, Artie Shaw and His Band, Ann Rutherfard, Lee Bowman, Thurston Hall, Leon Errol, Roscoe Karns • Screen Play by Albert Mannheimer • Based on a Story by Albert Treynor • A Metro-Goldwyn-Mayer Picture • Directed by S. Sylvon Simon • Produced by Edgor Selwyn

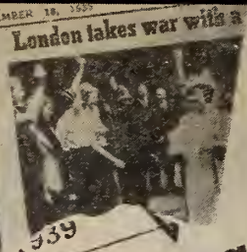
DAILY TIMES, CHICAGO, MONDAY, SEPTEMBER 18, 1939

London takes war with a

Nazi warbirds in action in Poland







First movies of war horrors released here

The first motion picture action scenes of the war were brought to Chicago's movie theaters today. Realistic scenes of huge Nazi bombers flying off to drop their deadly cargoes [illegible] released today by [illegible] reel.

The film, pa[illegible] ish and Ger[illegible] to Chica[illegible] ith Fighting [illegible]

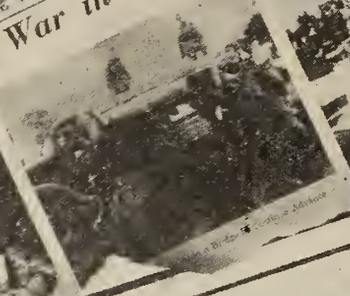
(Series Made From First Motion Pictures of Actual Fighting Passed by German and British Censors. AP Photos From

[illegible] were clearly discernable through the dense clouds of smoke rising from cruiser's gun muzzles.

PARAM
SCO

ovie Camera Sees War in Poland







Paramount Scoops Again With First War Films

Watch

Spellbound Audienc
First Films of War in Poland

News Reels Sh[illegible] German Air [illegible]
And Actu[illegible]son B. Bell Abo[illegible] Showshop

First Official War Fil
Reach Capital Scre

Paramount News Shows Actual P
Eddie Cantor Booked for Capit
News Notes and Gossip of the

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PAGE

NEWS—Around

FIRST REELS OF WAR FILMS SHOWN HERE

Pictures Made by a German
Reveal Polish Bravery
Holding Besieged Fort

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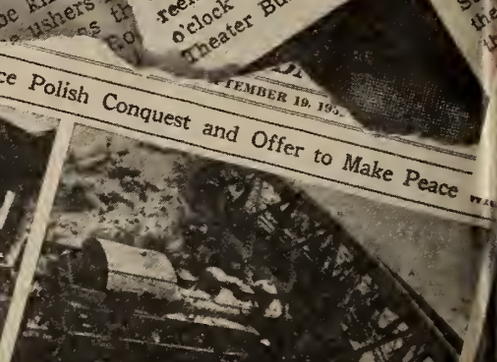


erman Motorized Force Goes Into Action



Hitler Expected to Announce Polish Conquest and Offer to Make Peace





No Pond

UNT NEWS
PS AGAIN!

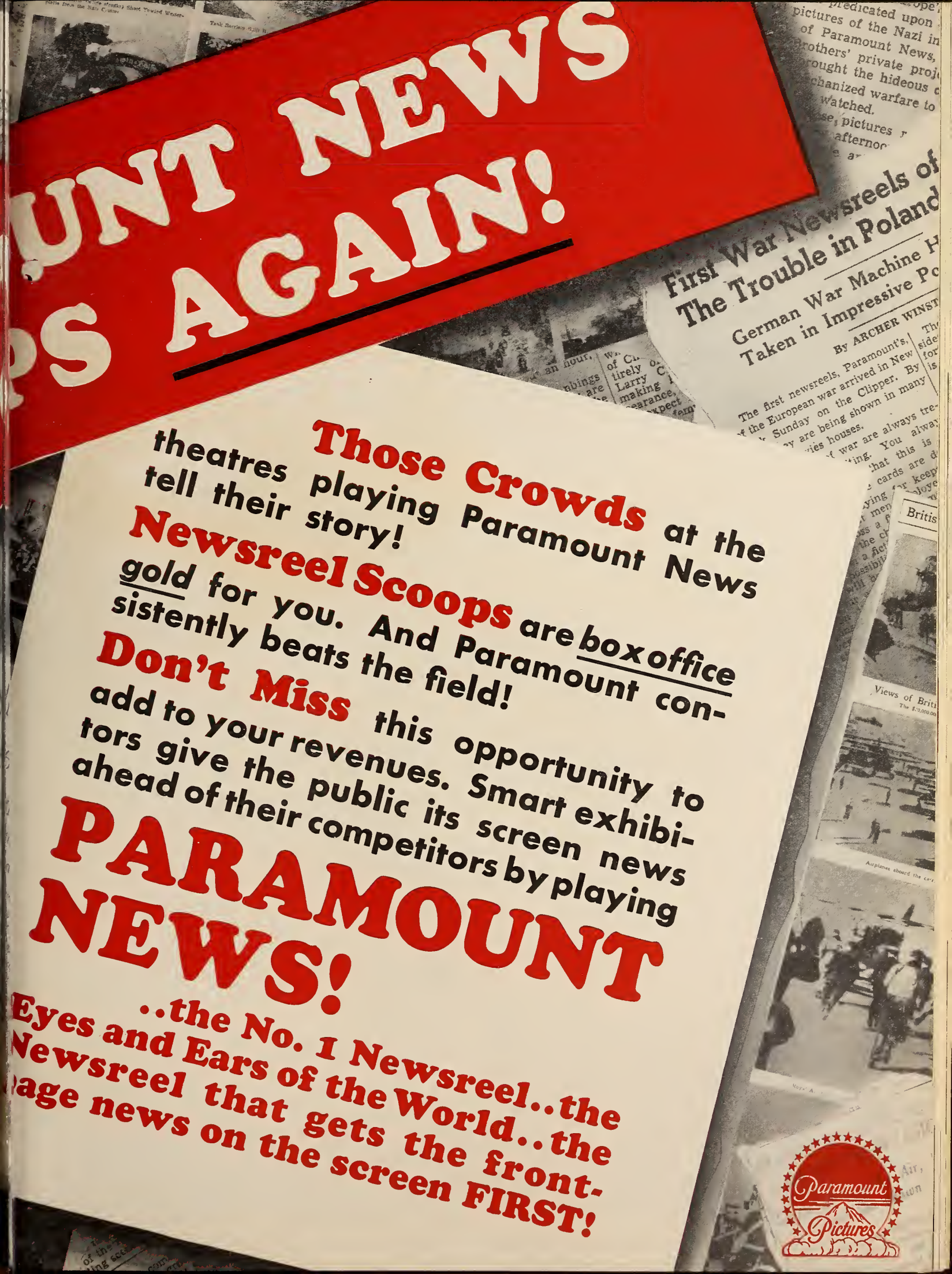
Those Crowds at the theatres playing Paramount News tell their story!

Newsreel Scoops are box office gold for you. And Paramount consistently beats the field!

Don't Miss this opportunity to add to your revenues. Smart exhibitors give the public its screen news ahead of their competitors by playing

PARAMOUNT NEWS!

..the No. 1 Newsreel..the Eyes and Ears of the World..the Newsreel that gets the front-age news on the screen FIRST!



W. B. Theatre Chiefs Attend Albany Meet

ALBANY, Sept. 21.—Warner Brothers Theatre managers met here yesterday at the call of M. A. Silver, zone manager, for a general policy meeting and discussion of the new product. Representatives from all 26 upstate theatres were on hand, as well as Harry Goldberg, advertising and publicity director, from the New York office, Ralph Crabill, district manager, Jamestown, and Charles A. Smakwitz, Albany district manager.

Silver asserted concentrated selling of every picture, greater showmanship and strict economy were necessary, warning that "an impending shortage in product" made it necessary to stretch out the runs where possible.

Silver entertained the visiting managers at the Ten Eyck Hotel for luncheon. Present were:

Ralph Crabill, Jamestown, western New York district manager; C. A. Smakwitz, eastern New York district manager; Jim Macris, Diana, Medina; Dalton Vurgett, Capitol, Dunkirk; C. L. Hollister, Babcock, Wellsville; Bill Leggiero, Steuben, Hornell; Al Beckerith, Havens, Olean; Mel Conhaim, Regent, Elmira; L. N. Westfall, Keeney, Elmira; Al Newhall, Palace, Jamestown; Bill Haynes, Stanley; Murray Lafayette, Avon, and Jack Breslin, Utica, of Utica; Jack Swartout, American; Sidney Sommer, Lincoln, and Leo Rosen, Troy, of Troy; Al LaFlamme, Madison; Andy Roy, Strand; Eddie Selette, Albany, and Bob Rosenthal, Ritz, from Albany; R. H. Booth, Lafayette, Batavia; Cliff Schauefele, Majestic, Hornell, and Harry Fahrenholz, Strand, Elmira.

Zone office departmental heads attending included James P. Faughnan, contact manager; Jules Curley, advertising manager; Max Freedman, booker; Joseph Weinstein, short subjects booker; Jim Wotton, sound and maintenance engineer.

Franklyn Warner's Cosmocolor Films

Franklyn Warner's series of features, planned for RKO release, will be produced in Cosmocolor. Three of the films to be produced by the head of Fine Arts Pictures will be released during the current season.

"Isle of Destiny," which already has been completed on the Coast, also is in Cosmocolor. It will be the first RKO release, and will be followed by "Land's End."

Form Myald Productions

ALBANY, Sept. 21.—A license to conduct a motion picture enterprise has been granted to Myald Productions, Inc. Directors of the newly-formed concern are Lee Moselle, Geraldine Weiss and Rose Lader, New York.

Meeting Postponed

Motion Picture Associates' luncheon meeting scheduled for yesterday was postponed to next Thursday at the Astor Hotel.

Theatre, Personnel Notes

Warner Albany Changes

ALBANY, Sept. 21.—M. A. Silver, zone manager of Warner Brothers Theatres here, has announced the following manager changes, effective immediately, in the Western New York district: Al Beckerwith, from the Palace, Jamestown, to manage the Havens, Olean; L. N. Westfall, from the Havens, Olean, to the Keeney, Elmira, as manager; William Leggiero, Keeney, Elmira, to the Steuben, Hornell, as manager; William Leggiero, Kee-Hornell, to the Palace, Jamestown. District manager for the western New York section is Ralph Crabill.

Vaudeville in Brooklyn

Loew's Premiere, Brooklyn, will begin a Tuesday night vaudeville and film policy Oct. 3 following on the success of a similar policy at the Oriental on Wednesday nights during the past nine weeks. The Premiere stage show hereafter will be repeated the following night at the Oriental.

Rosener Shifts Howe

SAN FRANCISCO, Sept. 21.—Transfer of L. D. Howe, manager of the Esquire, Portland, Ore., to a similar post at the new Metropolitan, Seattle, has been made by Herbert Rosener, operator of a west coast circuit of nine foreign language houses. Howe will be succeeded in Portland by Henry Pincus.

Form Theatre Firms

ALBANY, Sept. 21.—Everyman Theatre, Inc., has been incorporated to conduct a motion picture enterprise by Robert H. Breen, Wilva L. Davis and Edward R. Peckerman, Jr., New York. Also chartered was Waybro Theatre Corp., formed by Leo Jay Broverman, Ethel Davis and Rose Brodsky, New York.

'Glamour' at $4,300 Oklahoma City Lead

OKLAHOMA CITY, Sept. 21.—"These Glamour Girls," playing at the Midwest, scored $4,300 to do the best comparative business in a slow week in which continued Summer heat hurt grosses. "Four Feathers" took $5,000 at the Criterion.

Estimated takings for the week ending Sept. 14:

"Four Feathers" (U. A.)
CRITERION — (1,500) (25c-35c-40c) 7 days. Gross: $5,000. (Average, $5,200)
"I Stole A Million" (Para.)
"Torchy Plays With Dynamite" (W. B.)
LIBERTY—(1,200) (15c-20c-25c) 7 days. Gross: $2,700. (Average, $2,500)
"These Glamour Girls" (M-G-M)
MIDWEST—(1,500) (25c-35c-40c), 7 days. Gross: $4,300. (Average, $4,200)
"The Star Maker" (Para.)
PLAZA—(750) (25c-35c-40c) 7 days, 2nd week. Gross: $1,200. (Average, $1,100)
"Flight at Midnight" (Rep.) (3 days)
"In Old Monterey" (Rep.) (3 days)
"The Lady Vanishes" (G. B.) (4 days)
"Storm Over Bengal" (Rep.) (4 days)
STATE — (1,100) (15c-20c-25c) 7 days. Gross: $2,850. (Average, $2,500)
"Stanley and Livingstone" (20th-Fox)
TOWER—(1,000) (25c-30c-35c) 7 days, 2nd week. Gross: $1,800. (Average, $2,000)

Date French Picture

"Conflict," French drama starring Corinne Luchaire and directed by Leonide Moguy, will have its American premiere at the Little Carnegie Playhouse some time next week. Picture is distributed in the United States by Transatlantic Distributors, Inc.

Seek Indianapolis Permit

INDIANAPOLIS, Sept. 21.—Request for a zoning amendment to permit construction of a $75,000 house in Irvington, east side residential community, was continued until Oct. 9 by the Board of Zoning Appeals. The permit was asked by Glenn W. Radel, for the proposed Embassy, reportedly to be part of the Olson circuit.

Open Indiana House

GREENSBURG, Ind., Sept. 21.—The Tree, 450-seat house built here by Walter F. Easley, has been opened. The name of the house is for the small tree which grows on the court house tower here and has been a Ripley phenomenon for half a century.

Shift "Oz" Bookings

For the second run showings of "The Wizard of Oz," Loew's will alter its annual policy by booking the film at the Metropolitan day and date with the State, the Ziegfield, the Olympia, the Valencia (Queens), the 83rd St. and the 175th St. Ordinarily the Metropolitan is one week behind the State showings.

Manages California House

OAKLAND, Cal., Sept. 21.—Don Logan, assistant manager of the Uptown Theatre, has resigned to take over management of the Regal at Los Banos.

Atlantic City Houses Close

Lyric, St. James, Mayfair and Savoy will be the only theatres in Atlantic City remaining open for the Winter. The Ocean closed Tuesday and the Paramount will lock its doors about the middle of next month.

Italian House Opens

Squire which was acquired recently from Consolidated Amusement Enterprises, Inc., by the Esperia Film Distributing Co. opened yesterday as the Cine Citta. Policy of the house is to be first run Italian pictures.

Pioneers Beefsteak Dinner Set Oct. 20

Fall conference of Picture Pioneers, new organization of 20-year industry veterans, will consist of a beefsteak dinner on Oct. 20. Place will be decided later.

Membership applications of the following have been accepted by the Pioneers: Sidney Kent, Herman Wobber, Cresson Smith, Frank Newman, Maurice Seidlitz, Lawrence Beatus, William A. Downs, Francis Doublier, W. H. Rippard, Arthur G. Whyte, Max Cohen, J. J. Fitzgibbons, Leo M. Devaney, Arthur Gottlieb and Herman Stern.

Bank Night Theatre Manager Is Fined

WILMINGTON, Del., Sept. 21. — Facing lottery charges in connection with operation of Bank Night in the Arcade theatre at Salisbury, Md., Manager Robert Dailey was fined $500 and costs in Salisbury yesterday. Charges against Lucy Neal, ticket seller, were dropped. Legal precedent was set by the decision. The Bank Night case against Dailey is believed to be first of its kind in Maryland. He pleaded guilty.

Newsreel Parade

President Roosevelt's speech before the special session of Congress, post-released, is the outstanding feature of the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 4—War: German tanks break Polish defense; frontier posts torn down; cavalry and motor cycle units in attack; invading troops in Polish territory; Danzig inhabitants claim Nazi soldiers; Polish towns fall Germans; bridges dynamited; German soldiers swarm across Poland; German air force in action; sea attack on Westerplatte. President Roosevelt addresses Congress.

NEWS OF THE DAY, No. 202—Conquest of Poland. Landon and Knox arrive at White House. Congress convenes, Roosevelt speaks.

PARAMOUNT NEWS, No. 7—Events in Washington yesterday and Wednesday pertinent to the neutrality situation with President Roosevelt's speech before the special session of Congress included. Louis-Pastor fight. Also miscellaneous items from England and America.

RKO PATHE NEWS, No. 19—President addresses neutrality session. Draft dodger faces court martial. Troops leave for Panama. Maritime Commission plans construction of 500 ships. Grover Whalen sails for Europe. National outboard championships at Fort Worth. Football practice at University of Southern California.

UNIVERSAL NEWSREEL, No. 808—Roosevelt's neutrality speech before Congress. Funeral for Athenia victim in Ontario. Bergdoll on trial. Norwegian ship hits rocks off Massachusetts. Independence Day in Mexico. New army searchlights tested. Rodeo in Oregon. California's football team in training. Football players don prehistoric costumes.

M'Conville Returns From Cuba Monday

J. A. McConville, Columbia foreign manager, returns to New York on Monday after conducting the company's first Latin-American sales organization meeting in Havana this week. Because of the European situation McConville is deferring his tour of Columbia's sales offices in the West Indies and Central and South America.

Charles Roberts, home office supervisor for Latin America, who accompanied McConville to Havana, continues on a tour of the territory and will attend the company's sales meeting in Buenos Aires, Oct. 30-Nov. 1.

Jack Segal and Arnold Picker, home office foreign department executives, return with McConville on Monday.

$250,000 to 'Maid' During Six Weeks

An estimated $250,000 was grossed at the Strand during the six-week run of "The Old Maid" when the final week brought an estimated $31,000. "Espionage Agent" starts there today.

"The Rains Came" continued its strong pace and took an estimated $62,000 at the Roxy in its second week. The film will be held over for a third week.

Suit Over Assessment

WILMINGTON, Del., Sept. 21.—Old Time Petroleum Co. of Wilmington, owners of Warner theatre, has filed suit asking that the county assessment on the theatre property be declared excessive and void. The company contends the assessment board placed a valuation of $303,200 on the property for tax purposes, while it should not exceed $140,300.

Short Subject Reviews

"Ride, Cowboy, Ride"

(Warners)

"Ride, Cowboy, Ride" is a two-reel western which packs as much action as most of the longer westerns. The action is considerably enhanced by the fact that the "Featurette" is done entirely in color. Maris Wrixon is out west to see her mother, Esther Howard, for the first time in many years when her coach is held up by an outlaw gang. She is saved by Dennis Morgan and his cowboys.

Later, Maris discovers that her mother runs a saloon and is known as Cactus Kate. When the bandits attack the town bank and Kate's saloon, Morgan and Cliff Edwards capture them after a battle. Maris discovers that her mother, despite her exterior, is an outstanding character. The fadeout finds Maris and Morgan embracing. George Amy's direction deserves praise. Running time, 20 mins.

"Land of the Midnight Fun"

(Schlesinger-Warners)

This "Merrie Melody" cartoon in color is an extravagant satire of the travelogue film. Witty and with many clever effects, the reel is enjoyable from start to finish. An expedition sets out to explore the land of the eskimo in a luxury liner. They observe the customs and inspect a night club whose show lasts six months. Eskimo girls rouge their noses preparatory to "kissing." On its return trip, the liner runs into a fog and ends atop the trylon at the World's Fair. Well above average. Running time, 7 mins.

"Ice Frolic"

(Warners)

Fancy ice skating and music make up this enjoyable Broadway Brevity. Little Eleanor (Snooky) Gardner wistfully watches the figure skating from her window but is interrupted to complete her music lesson. After singing one song, she dreams of an ice carnival where the Merry Macs, Adele Inge, the Rockwell Girls, comical Alfred Trenkler, Peggy Fahy and Richard Toucey perform. When she awakes, her father presents her with a pair of skates and Snooky and her grandmother go skating in a humorous climax. Running time, 20 mins.

"Vincent Lopez and His Orchestra"

(Warners)

A melodic interlude for the theatre program. Vincent Lopez leads his well known band through a number of swing tunes and members of the orchestra contribute vocal choruses. Songs heard include "Down With Nola," "Ride, Tenderfoot, Ride" and "Ole Man Mose." Instead of the usual master of ceremonies, subtitles introduce each new number for a novel touch. Betty Hutton winds up the reel with a bangup rendition of that favorite "Ole Man Mose." Running time, 10 mins.

Feature Reviews

"A Brivele Der Mamen" ("A Letter to Mother")

(Greenfilm-Sphinx Films)

One of the last films to be imported from Poland, "A Brivele Der Mamen") deserves to be ranked with the foremost foreign films exhibited here during recent years. Exhibitors whose houses are located in Jewish neighborhoods can well afford to switch to this Yiddish language feature for several nights, and the film is certainly worthy of playing time in houses which use foreign language films regularly. English subtitles are used.

Tender, passionate, tragic and gay, the mood shifts and runs the gamut of human emotions. A mother's love and devotion for her family, a talented but unemployed father, wayward children and a loving son—all these are mixed in a tale of suffering and simple family joys.

The film deserved better camera work. The characterizations are uniformly excellent and each is deserving of special mention. Top laurels must go, however, to Lucy Gehrman, who turns in one of the best foreign performances of the year. As the mother whose family rests on her broad shoulders, she is the emotional center of the film's theme.

Interspersed throughout the story are homely little episodes—a Passover feast, a wedding, a group of immigrants hearing about the wonders of America—which lend color and fascination. Max Bozyk, as the village tailor; Alexander Stein, as the husband; Chane Levin, as Bozyk's wife, and Irving Bruner, as Avele, the youngest child, give forceful and impressive interpretations of their roles.

The story starts shortly before the first World War with the mother supporting the family and the husband despondent because he cannot assist. He runs off to seek success in the New World but finds only enough to send for Avele. The mother sees her family gradually dwindling as the war claims her other son, and her daughter runs off with a dancing master. After the war, the hapless mother learns that her husband has died and that Avele has disappeared.

In a desperate effort to find her baby she obtains transportation to the United States and a reunion, marked by tragic overtones, takes place. The activities of the Hebrew Immigrant Aid Society are pictured and its representative, Mischa Gehrman, plays the role of the friendly advisor to refugee Jews. The English subtitles are ample for those who do not understand Yiddish.

Joseph Green directed and Benjamin J. Weinberg produced.

Running time, 105 minutes. "G."* EDWARD GREIF

"Dancing Co-Ed"

(M-G-M)

HOLLYWOOD, Sept. 21.—Comedy, music, dancing, a unique romantic love story and a surprise conclusion are the entertainment elements of M-G-M's sprightly "Dancing Co-Ed." Not only does the show give another demonstration that the studio has a valuable property in Ann Rutherford, but it reveals Lana Turner as a glamorous personality who in this vehicle exhibits all the earmarks presaging future stardom.

Plot of the story combines the excitement of a film talent quest and a collegiate comedy. When Monarch Pictures needs attractive new name, press agent Roscoe Karns conceives the idea of holding contests in the nation's colleges. Playing both ends against the middle, he plants the pre-chosen winner and vaudeville hoofer Miss Turner, in a midwestern university and sends Miss Rutherford along to keep a watchful eye on her. The story has many entertaining ramifications, the main angle of which creates a romance for Miss Turner and Richard Carlson, student paper editor. On the night when the winner is to be picked, with Artie Shaw presiding over the festivities, Miss Turner is mysteriously missing and to save the situation Miss Rutherford enters and wins the contest while the hand picked winner prepares for marriage.

With Miss Turner, Miss Rutherford and Carlson carrying the legitimate story, fun and fury is added by the antics of Karns, Leon Errol, Lee Bowman, Thurston Hall and Walter Kingsford. The gay, airy quality of Albert Treynor's original has been expertly preserved in Albert Mannheimer's screenplay and its lively qualities were expertly brought out in S. Sylvan Simon's direction. Producer Edgar Selwyn gave the show colorful and picturesque mounting.

Running time, 85 minutes. "G."* G. McC.

*"G" denotes general classification.

No Monopoly In Nebraska, Claims Ascap

LINCOLN, Neb., Sept. 21.—Whether Nebraska can pass a law outlawing combinations of music writers and publishers to fix prices for public performances—such as Ascap—was submitted in federal court here today.

After four days of hard-fought testimony and presentation of evidence, the case, as boiled down in final arguments made before Justices Gardner, Munger and Donohue, was whether Ascap has a monopoly on useable music and whether, if so, it is unconstitutional to outlaw it.

Louis Frohlich, New York, counsel for Ascap, told the court in his summation the society has no monopoly and that in addition to the copyrights held by Ascap there is a vast public domain of music free to anyone.

The state law, he charged, is unconstitutional because it deprives the authors of the right of collecting royalty for public performances of their music.

William J. Hotz, special state's attorney defending the constitutionality of the law, said that the method of collecting royalties for public performance is stated in the law. The Ascap, he continued, has made much more of the public performance rights vested in a copyright under the federal copyright act than was ever intended. Hotz claimed that Ascap controls "95 per cent of the useable music in the country."

Hotz continued that the legislature did not mean to say there was anything wrong with the copyright act, but only that the abuse of the copyright act which he attributed to Ascap should be corrected. He suggested that if the act is found constitutional, the publisher need only add a public performance charge, and the method of collection to the author would be unchanged.

Frohlich also contended that as a practical matter to outlaw Ascap would deprive authors of public performance right royalties. It would also, he claimed, lead to many infringement suits and would in effect keep radio stations and bands in Nebraska from playing the music.

An early decision in the case is not anticipated. Should either side appeal from the decision which is likely, the appeal will go directly to the U. S. Supreme Court.

Loses in Suit Over Film Rental Contract

A clause in a film rental contract for $5,000 "liquidated damages" for failure to return prints was held to be out of proportion to the actual damages involved and therefore void and unenforceable by N. Y. Supreme Court Judge Benedict D. Dineen after trial of the suit brought by Lina Pictures Corp. against Principal Film Exchange, Inc.

However, the court ordered the return of all prints in the defendant's possession and awarded one dollar in damages. The defense contended that several prints had been lost and the court ruled that an affidavit stating that the films had been destroyed would be sufficient.

Large Impetus Seen This Fall For Television

(Continued from page 1)

film companies still are averse to providing product for programs, and Morton attributes this chiefly to the absence of an official policy. Meantime, NBC is content to use films from independent and foreign film distributors, as well as commercial sources.

"We don't intend to go into the film business," said Morton, who has a film industry background through his association with RCA Manufacturing Co. "We believe the film industry will eventually meet us half way, and we think there will be enterprising producers who will see the opportunities in making pictures for television and who will profit as a result.

"Just as a supposition, let us conceive of television transmitters in eight or 10 key cities in the United States, linked together in a network and broadcasting four hours daily, two hours of which will be film. When you figure this on a basis of 365 days a year, the feature film consumption probably would be more than the total feature footage produced by the major companies in a year. It would open up a tremendous new market, with a huge audience."

As soon as the television audience becomes commercially attractive to sponsors, Morton believes there will be companies devoted to the production of films expressly for the medium.

Meanwhile, negotiations with the major distributors have been slow. Morton revealed that Max Gordon, NBC's play consultant on television, has discussed the matter with Nicholas M. Schenck, president of M-G-M, and other executives, who have shown considerable interest. But there is the matter of a special production technique for television and other problems involved.

Morton says that the war in Europe, which has caused suspension of television in Great Britain, will have no effect on the development here, and that NBC will continue normal progress in the field "provided we do not enter the war."

Labor Fights Stage Work by Students

SPRINGFIELD, Ill., Sept. 21.—Illinois State Federation of Labor, in annual convention here, late today approved a resolution calling for investigation of janitors and high school students working as stagehands, propsmen, gripsmen, flymen and operations in high school auditoriums. The resolution branded the practice as unfair competition, jeopardizing legitimate show business.

Accept Station-Breaks

SAN FRANCISCO, Sept. 21.—Station-break announcements are now being accepted by KPO and KGO, NBC outlets, for the first time in the history of either station. Twenty-word announcements are taken at the customary gross rate for 100-word spots.

Balaban & Katz Theatres Close Deal on Giveaway

By WILLIAM F. CROUCH

CHICAGO, Sept. 21.—Lester F. Martin of Consolidated Book Publishers has closed a deal with the Balaban & Katz circuit to start the giveaway plan in the Northshore Theatre. Twenty 24-sheet stands and 100,000 handbills as well as a full-page advertisement in the *Chicago Times* were used in the opening campaign.

William F. Rodgers, M-G-M general sales manager, is expected here the first of the week to help close several deals now hanging fire in this territory.

Warner district managers held a meeting at the Blackstone yesterday. Ben Kalmenson, C. K. Olson, Rud Lohrenz, Henry Herbel and W. E. Calloway attended the meeting, which concerned plans for pictures to be released during the next six weeks.

Arthur Denman, of the New York RKO office, stayed over, following the premiere of "Nurse Edith Cavell" Monday night, to contact local newspapers on forthcoming RKO pictures. Charles Levy and Ralph Rolan, also of the New York office, accompanied Anna Neagle and Herbert Wilcox to Cleveland.

Members of the Women's Club of the Chicago film industry held their first fall meeting at the Congress Hotel Tuesday night and announced they would start a membership drive immediately. Selma Hackman is president of the group.

Walter Lantz, Universal cartoon producer, has been here the past week visiting the Brookfield Zoo to study the baby panda. Lantz is producing a new series about "Andy Panda."

Clarence Shapiro, M-G-M talent scout, staged the initial showing of his play "Pandora's Last Box" at the Women's Club Theatre the other evening.

Karl Kruger, Paramount exploiteer, is dividing his time between here and Milwaukee preparing for the arrival here of one of the Paramount boats used to publicize "Ruler of the Seas." Local Sea Scouts, Mayor Edward J. Kelly and other officials will take part in a "Wedding of the Waters," held here Oct. 11. The picture will be previewed here at that time.

Henri Elman, John Mednikow, Sam Tishman, Dick Sachel and Dave Halprin were among the local film colony who attended the Louis-Pastor fight in Detroit Wednesday night. Elman is distributing the fight films here, starting Sunday.

Bill Bishop, M-G-M exploiteer, is holding meetings with circuit theatre managers explaining the national exploitation campaign the company has launched and how it will benefit business. Local theatremen are extremely interested in the contest, Bishop reports.

Schenck Disagrees With Goldwyn Idea

HOLLYWOOD, Sept. 21.—Assuring Samuel Goldwyn that his estimate of losses of foreign grosses was conservative, Joseph M. Schenck, president of A.M.P.P., today said that Goldwyn's proposal of a fact finding committee to determine Hollywood production and activity in view of the European situation was premature.

Announcing he was leaving for Mexico City and South America, Schenck issued copies of the letter to Goldwyn, which reads:

"I feel that you are entirely correct in your analysis of the situation caused by the war in Europe and that your estimate of losses is conservative. I am sure that all producers are agreed that the first requirement is to give the public the very best in pictures. Nothing must be permitted to weaken that requirement.

"However, it is my present belief that your suggestion for creation of a fact finding committee is somewhat premature. The extent of losses in revenue is not sufficiently apparent to permit setting of definite policies. Restrictive measures based on what the joint committee would determine at this time might not be accurate. When necessary facts concerning foreign business are definitely and conclusively established, we could proceed along lines you suggest with better assurance. But anything that might be decided now might be completely overturned in the light of future developments. For that reason I am counselling that we wait until all necessary information is at hand."

British Houses Ask Longer Show Hours

LONDON, Sept. 21.—No decision was rendered today by the British Home Office to the joint deputation of representatives of the Cinematograph Exhibitors Association and Kinematograph Renters Society on the request for the extension of the film theatre opening hours in theatres in the West End of London.

The Home Office has promised to consider the matter and is expected to make a statement within the next few days.

Theatre owners protest that in the event of a refusal on the part of the Government to extend the hours they will remove all the seats from the theatres and pay no taxes.

Majors to Oppose Questions By U. S.

(Continued from page 1)

tions, may follow different procedure.

Attorneys assert that to answer the interrogatories in any comprehensive fashion would require many months and would entail a cost of about $50,000 to $100,000 per company.

Defendants are scheduled to appear in Federal court on Oct. 7 in the proceedings on the interrogatories.

Mutual Sets News Series

Mutual will present a new series of news analyses, starting on Monday, with Fulton Lewis, Jr., the network's Washington commentator, speaking. The series will be broadcast Mondays through Thursdays from 10:15 to 10:30 P. M.

'Iron Mask' Denver Lead With $11,000

DENVER, Sept. 21.—"The Man in the Iron Mask" was the hit of the week, grossing a strong $11,000 at the Denver. "When Tomorrow Comes" drew $4,000 in the second week at the Aladdin. "Indianapolis Speedway" and "Million Dollar Legs" took $4,000 at the Paramount.

Estimated takings for the week ending Sept. 20:

"When Tomorrow Comes" (Univ.)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: $4,000. (Average, $3,500)
"The Great Waltz" (M-G-M)
"Naughty Marietta" (M-G-M)
BROADWAY—(1,040) (25c-35c-40c) 7 days. Gross: $2,500. (Average, $2,500)
"Beau Geste" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days, 2nd week. Gross: $4,500. (Average, $6,500)
"The Man in the Iron Mask" (U. A.)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: $11,000. (Average, $9,000)
"The Women" (M-G-M)
"The Spellbinder" (RKO)
ORPHEUM—(2,660) (25c-35c-40c) 7 days, 2nd week. Gross: $8,700. (Average, $9,000)
"Indianapolis Speedway" (W. B.)
"Million Dollar Legs" (Para.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)
"Four Feathers" (U. A.)
"Panama Patrol" (G. N.)
RIALTO—(878) (25c-40c) 7 days, "Feathers" 3rd week. Gross: $1,700. (Average, $1,750)

August Broadway Tax Revenue Off

WASHINGTON, Sept. 21.—Federal admission tax collections in the Broadway District dropped to $336,191 in August, from $397,415 in July, but were well above the $282,513 record for August, 1938, it was reported today by the Internal Revenue Bureau.

Losses from July were shown in all categories except admissions to roof gardens and cabarets, where tax collections jumped from $34,519 to $40,431, it was shown.

Taxes collected at the box-office dropped from $344,694 in July to $287,463 in August, the bureau announced, while receipts from free or reduced rate admissions decreased from $7,192 to $3,950; from tickets sold by brokers from $8,162 to $4,346; from tickets sold by proprietors in excess of the established price from $181 to nothing, and from permanent use or lease of boxes and seats from $2,666 to $1.

Wins Fifth Renewal

SAN FRANCISCO, Sept. 21.—Marin Dell Dairy's weekly amateur hour on KFRC, conducted Saturday nights by Dean Maddox, has been renewed for its fifth year. Indicating continued popularity of the amateur shows here, KYA announces a new weekly "Kiddie Karavan," sponsored by Del Monte Creamery.

305,000 See 'Folies'

SAN FRANCISCO, Sept. 21.—Second edition of Clifford C. Fisher's "Folies Bergere," now in its sixth week at the exposition here, has played to more than 305,000 customers. First edition of the show played to more than 500,000 paying spectators before going on tour.

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VOL. 46. NO. 59 NEW YORK, MONDAY, SEPTEMBER 25, 1939 TEN CENTS

35% Salary Cut for High RKO Officials

Those Getting More Than $4,500 Affected

RKO executives and employes earning more than $4,500 per year will take salary cuts to aid in offsetting losses of foreign revenue due to the European war, George J. Schaefer, president, said yesterday.

Through this means, Schaefer said, RKO expects to complete its entire new season production schedule without any impairment of its quality or entertainment value.

While the cuts were not detailed, Schaefer's statement indicated that they would begin with a nominal percentage of earnings over $4,500 per year, increasing on a graduated scale to reductions of more than 35 per cent in the very highest brackets.

Drastic Foreign Losses

He described the measure as "temporary" but stated that he expects the "drastic falling off in foreign revenue" to continue for the duration of the war.

Schaefer's statement asserts there can be no certainty of substantial revenues being received from Britain and France in the face of limited theatre openings, the decline of foreign exchange and possible restrictions on withdrawal of funds from foreign countries.

Therefore, he said, economies at home will have to be made "which will enable us, without dependence on income from the United Kingdom and France, to maintain our production program with quality and entertainment value unimpaired. I now believe we have plans which will permit this to be done and done effectively."

Praises Fine Morale

The economy plans have been approved by RKO Radio Pictures, Inc., the producing-distributing company, and RKO Service Corp., home office and theatre company.

"It is my confident belief," Schaefer said, "that with the fine morale now being shown throughout the organization, our plans will be successful and that the RKO program will be completed without the least sacrifice of quality or entertainment value."

Schaefer said that he had been unwilling until now to make a statement that RKO would not curtail production, due to previous uncertainty as to the seriousness of the loss of foreign revenue to the company.

IA Strike Ultimatum Given to Producers

Hollywood, Sept. 24.—Producers were served with an ultimatum over the week-end that unless hours and wage demands by I.A.T.S.E. are not settled favorably by Tuesday, a nation-wide strike would be the result.

The ultimatum was served by an I.A. delegation headed by William Bioff which met with producers' representatives.

Higher Rentals Needed, Schenck to Exhibitors; Cites Losses by Studios

HOLLYWOOD, Sept. 24.—Joseph M. Schenck, president of the Motion Picture Producers Association, today called upon exhibitors to support film producers to "share responsibility of seeing that the studios derive enough rentals to permit the studios to continue in operation" through the European crisis.

Schenck's public statement, made prior to his departure for Mexico and South America, said:

"Theatre operators of America must do their part in helping producers of pictures to overcome the crisis caused by the loss of revenues from war-torn Europe. Producers have signified their intention of continuing to make big pictures of highest quality despite the European situation. Responsibility of making these efforts successful now lies entirely with exhibitors.

"It is no longer a question of profits, but of preservation of present quality standards of the entire industry, theatres as well as studios. Millions of dollars invested in theatres throughout America would be just so much brick and mortar if the structure of film production collapsed. Exhibitors must therefore share the responsibility of seeing that studios derive enough rentals to permit them to continue in operation.

"First of all, it is essential that exhibitors do everything possible to extend playing time of pictures whenever public patronage justifies. Those pictures that have been showing for one week should whenever possible be held over for a second week, and a picture which definitely rates a two-week run should be extended for a third week. Likewise, in subsequent runs, three-day pictures should be held over for five or six days.

"In order to justify this, exhibitors will find it necessary to display greater showmanship and introduce new ideas. It can and must be done to insure a return to the producer that will compensate for decreased revenues else-

(Continued on page 2)

U. A. Drafts Own Queries, Asks for U. S. Answers

United Artists filed a list of 38 interrogatories in U. S. District court here on Friday which confronts the Government with almost as detailed a quiz of its information relating to the pending New York anti-trust suit as the Government imposed upon the defendants two weeks ago in serving them with its 68 interrogatories.

The Government will be required to answer the interrogatories served by United Artists within 20 days or obtain a modification of them from the court.

The United Artists' interrogatories, filed by O'Brien, Driscoll & Raftery, counsel for the company, for the most part seek the identity of all Government witnesses having knowledge of the acts charged against defendants in the Government's anti-trust suit complaint.

The company asks the Department of Justice for the names of those having knowledge of the victims of compulsory block booking imposed by United Artists, of instances of its having forced short subjects and newsreels on independent exhibitors; of its having arbitrarily designated play dates; of having imposed unreasonable clearance and zoning schedules; of having permitted overbuying by affiliated theatres or of its having discriminated in the matter of rentals between independent and affiliated theatres.

The interrogatories also ask the

(Continued on page 2)

Delaware to Make Blue Law Survey

WILMINGTON, Del., Sept. 24.—The nine-member commission appointed by the Delaware legislature to study the need of revising the state's 144-year-old Sunday blue laws has elected Rev. Ralph L. Minker, superintendent of the Ferris Industrial School of Wilmington as chairman. Rep. Henry M. Canby of Wilmington was elected secretary.

Members discussed the procedure they will follow during their investigation, and decided they will study recent blue law amendments in other states. The commission will make a survey of all civic, fraternal and religious groups in the state to learn the reaction toward changes in the laws and recommendations. The commission is to make its report to the 1941 legislature and will meet again in October when results of surveys will be ready for study.

Ampa Will Honor Past Presidents

Ampa will resume its seasonal activities Thursday with a luncheon meeting at Stouffer's restaurant at Fifth Ave. and 44th St. This will be "Past Presidents' Day," with all ex-presidents of the 25-year-old organization invited to attend.

Among past presidents who have promised to be present are William R. Ferguson, John C. Flinn, Glendon Allvine, Arthur James, P. A. Parsons, Paul Lazarus, Sr., George Harvey, Edward Kline, Hal Horne, Gordon S. White and Ralph Rolan. Others are expected from out of town.

The first meeting of the season will mark a switch from meeting places in the Times Square area. Increased facilities and lower prices are given as reasons for the change, which was decided on by the board of governors, according to Paul Lazarus, Jr., president.

Compromise Seen On West End Hours

LONDON, Sept. 24.—The Government yesterday still refused to permit the extension of opening hours in West End theatres, but suggested a compromise scheme whereby certain houses will be allowed to remain open until 10. A system of staggered openings probably will be sanctioned. West End interests will meet tomorrow to answer the proposal.

Knox to Pick Fifth Arbiter in Union Fight

Judge John C. Knox, presiding judge of the Federal court in the Southern New York district, will appoint the neutral arbitrator in the negotiations between operators' Local 306 and the New York major circuits.

The union has named Joseph D. Basson, president of the local, and Herman Gelber, recording secretary, as its members of the arbitration board and the circuits have designated C. C. Moskowitz of Loew's and L. E. Thompson of RKO.

The contract provides that if opposing sides fail to agree on a fifth neutral member, he shall be named by the presiding judge of the Federal bench. It is expected that Judge Knox will designate a representative business man outside the film industry.

In addition to a 25 per cent wage increase, the union is asking for two weeks' vacation instead of the present one week. Otherwise, the union is not seeking to change working conditions.

The negotiations are under a 10-year contract made in 1937, subject to negotiations in the fall of each year.

Basson is a candidate for reelection as president of the local, which post he has held for more than three years. It is not expected that he will have any serious opposition. A fight is brewing, however, on the election of the executive board, with the younger element seeking representation. The annual election will be held in December.

Republic's Schedule Pushed Despite War

HOLLYWOOD, Sept. 24.—With 11 pictures on the new season schedule completed and five now in production, Herbert J. Yates today announced that Republic would start 10 more features and two serials before the close of the year.

Yates said that the outbreak of the European war has not had any great financial effect on Republic inasmuch as less than 20 per cent of its revenue comes from abroad, adding:

"The British Isles have been Republic's biggest foreign market, and although we have been unable to get any cash out of Great Britain for over a month we have received an order from the British government for eight Gene Autry pictures for exhibition to soldiers and sailors."

Yates said that he does not feel that there will be any reduction in the number of studio employes nor will there be any pay slashes at Republic.

W. Va. Meet Tomorrow

PITTSBURGH, Sept. 24. — Independent Theatre Owners of West Virginia will hold their first annual convention Tuesday at the Waldo Hotel, Clarksburg. Daniel Davis is chairman of the session, which will include a business meeting, election of officers, a banquet and a motion picture ball.

Universal Planning Important Changes In New Contracts

Universal is endeavoring to complete provisions for several changes in its new season license agreements, chief among which will be a graduated cancellation right and an optional arbitration clause, William A. Scully, general sales manager, said over the weekend.

The changes, which have been delayed by the press of selling activity which has prevented the Universal sales head from giving his attention to the sales policy revisions, may be decided upon within the next few weeks.

Any contract innovations decided upon will be retroactive for all new season deals and will conform with existing company policy and the limitations imposed by the recent Department of Justice prohibition upon an industry trade practice code, Scully said.

Revisions of the license agreement will not be extensive, the Universal sales head pointed out, inasmuch as Universal has not collected a score charge for a number of years past, nor has it made the licensing of shorts and newsreels a condition for the licensing of its features. Moreover, the company does not produce trailers. The limitations imposed by the Department of Justice make it impossible for distributors to grant exhibitors much more than this.

The optional arbitration clause will, of necessity, be applicable only to disputes arising out of performance of the contract and cannot be employed in any complaint involving a third party.

Outside of the addition of this clause and the devising of a cancellation formula adapted to Universal's own selling experience, Scully sees little or no change required in Universal's sales policy.

The company has no serious problem stemming from designation of play dates, does not refuse to negotiate for its product with any responsible exhibitor for all or part of its output and for some time past has permitted cancellation of pictures on justified grounds of unsuitability for local exhibition, he stated.

Schenck in Appeal For Higher Rentals

(Continued from page 1)

where, for only by increased rentals from theatres of this country can producers be assured of revenues commensurate with the bigger type of pictures. Producers are willing to go to any length and expense to make greater pictures, and they have every faith that the public will support them.

"A high standard of quality in production has been attained as evidenced by the fact that American-made films are recognized as the finest by the amusement public of the entire world. This leadership must not be sacrificed, nor can standards be permitted to be lowered.

For their part, producers are keeping operating costs as low as possible, but no economy measures by studios alone could offset the great loss of European revenue if the high standard of quality is to be maintained. It is, therefore, up to the exhibitor now to make this high standard of quality possible."

Money Restrictions In Most of Europe

Countries with currency restrictions, according to foreign departments, are Greater Germany, Poland, Latvia, Esthonia, Jugoslavia, Lithuania, Greece, Hungary, Bulgaria, Turkey, Spain, Argentina, Brazil, Chile, Uruguay, Rumania and Japan. In addition, restriction has been placed on the transfer of currency, as a war measure, from France and England, as well as Australia, New Zealand and Canada.

U. A. Drafts Queries For U. S. to Answer

(Continued from page 1)

Government for the identity of those who have knowledge of United Artists having prohibited an independent from double featuring while permitting an affiliated theatre to do so; of its having collected score charges; of its having imposed minimum admissions on exhibitors; of its having allowed material alterations of contracts by affiliated theatres or authorized them to adopt "move-overs."

The interrogatories ask for the identity of persons having knowledge of the commission of acts of conspiracy alleged by the Government, and those having knowledge of exclusion by United Artists of product from first run houses; of the company's having contributed to a monopoly of exhibition in first run metropolitan houses; of its having participated in any acquisition of theatres with other defendants to effect a division of an exhibition territory and its having had a part in other acts of conspiracy or restraint of trade alleged by the Government.

'Beau Geste' Omaha Winner at $10,000

OMAHA, Sept. 24.—"Beau Geste," pulled a smash $10,000 at the Omaha.

Estimated takings for the week ending Sept. 20-21:

"The Old Maid" (W. B.)
"Way Down South" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days, 2nd week. Gross: $3,500. (Average, $4,000)
"Beau Geste" (Para.)
"Gracie Allen Murder Case" (Para.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $10,000. (Average, $6,000)
"Unexpected Father" (Univ.)
"Glamour Girls" (M-G-M)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $7,500. (Average, $7,600)

Associates' Dinner Set November 25

Motion Picture Associates have settled the controversy concerning the date of their annual dinner and dance which ordinarily is held Thanksgiving Eve. That date having been advanced one week by President Roosevelt, M.P.A. has set November 25 for its affair, which will fall in the middle of the old and new Thanksgiving Days.

Monogram Closes Deals

Recent circuit deals concluded by Monogram for the 1939-'40 product, according to George W. Weeks, vice-president in charge of sales, include the Morse Circuit of Boston; Stein Circuit, St. Louis; Louis Long Circuit, Los Angeles, and Waters Theatre Co., Atlanta.

Purely Personal

LEONARD GOLDENSON and LEON NETTER, Paramount home office theatre executives, return to New York today from a two weeks' trip covering Detroit, Chicago and Minneapolis operations.

•

MONTY BANKS, 20th Century-Fox director, sailed Friday night on the *Washington* for England. RUSSELL MUTH, Movietone News European director, with headquarters in Paris, and BONNEY POWELL, cameraman, sailed on the same boat with plans to cover the war.

•

E. C. MILLS and JOHN G. PAINE of Ascap, and LOUIS FROHLICH and HERMAN FINKELSTEIN, Ascap counsel, arrived in New York from Lincoln over the weekend.

•

MALVIN J. KUTINSKY, son of LOU KUTINSKY, RKO salesman, is now representing the Price Theatre Premium Co. in New York and Brooklyn.

•

JULES BERNSTEIN, Loew's manager in Toronto, has returned following a brief visit here. He is a brother of DAVID BERNSTEIN.

•

MRS. JOHN BALABAN and daughter, IDA MAE, of Chicago, are in town for the World's Fair. JOHN BALABAN will fly in to meet them.

•

HERB OCHS, Warner Cleveland branch manager, came into town over the weekend for conferences with home office officials.

•

MR. and MRS. AL MARGOLIES and family back in town after spending the summer at Fire Island.

•

HARRY BUXBAUM's daughter, BETTY MARY, has left for Louisberg, W. Va., to attend Greenbrier College.

LeBaron to New York

HOLLYWOOD, Sept. 24.—William LeBaron, managing director of Paramount productions, has gone to New York for conferences with Eastern executives. He is scheduled to remain in New York two weeks for meetings with Barney Balaban, Russell Holman and Neil Agnew.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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NATIONAL Screen SERVICE PRIZE BABY OF THE INDUSTRY

N. Y. CRITICS JOIN NATION-WIDE A
FOR THE STORY THAT SHOCKED THE

"Couldn't have been released at a more opportune time . . . A fine production, brilliantly directed . . . Anna Neagle puts feeling and reverence into the role."

—Wanda Hale, N. Y. Daily News

"Impressive...profoundly stirring...comes to the Music Hall with terrible timeliness."

—Bland Johaneson, N. Y. Daily Mirror

"A deeply affecting tale of individual heroism under the crushing influence of modern warfare."

—Frank S. Nugent, N. Y. Times

"A true picture, and a fine one . . . Its strength lies not alone in the story it tells, but in the manner of its telling."

—Eileen Creelman, N. Y. Sun

"An unusually distinguished production . . . fine and forceful . . . Miss Neagle's performance brilliant."

—Rose Pelswick, N. Y. Journal & American

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CLAIM
WORLD!

Powerful and honest...telling
d timely . . . every incident takes
added impact and significance
a time when ruthless invasion,
e killing of women and children,
d high courage are once more
e order of the day."
—Howard Barnes, N. Y. Herald-Tribune

. . . The film takes on all the
rills and excitement, suspense and
rror of a spy melodrama . . .
aves you limp with terror and
ar . . . A beautiful directing job."
William Boehnel, N. Y. World-Telegram

Dignified portrait . . . Miss
eagle is rather a beauty to behold
. brings warmth and inspiration."
—Irene Thirer, N. Y. Post

RKO RADIO PICTURES

ppearance as **"NURSE EDITH CAVELL"**

NDERS • MAY ROBSON • ZASU PITTS

WARD • ROBERT COOTE • *Produced and Directed by* **HERBERT WILCOX •** *Screen Play by Michael Hogan*

'Rains Came' Tops Seattle With $9,200

SEATTLE, Sept. 24.—"The Rains Came" and "Hawaiian Nights" at the Fifth Avenue, led the town with $9,200. Also good were "In Name Only" and "Waterfront," with $7,200 at the Paramount. "Mutiny on the Blackhawk" and "Nancy Drew and the Hidden Staircase," at the Palomar, plus a Major Bowes unit on the stage, pulled $6,300. The weather was warm.

Estimated takings for the week ending Sept. 22:

"The Rains Came" (20th-Fox)
"Hawaiian Nights" (Univ.)
FIFTH AVENUE—(2,500) (25c-30c-40c-55c) 7 days. Gross: $9,200. (Average, $7,000)

"Golden Boy" (Col.)
LIBERTY — (1,800) (25c-30c-40c-55c) 7 days, 3rd week. Gross: $3,900. (Average, $5,000)

"Beau Geste" (Para.)
"Night Work" (Para.)
MUSIC BOX—(950) (25c-30c-40c) 7 days, 2nd week. Gross: $3,700. (Average, $4,000)

"Adventures of Sherlock Holmes" (20th-Fox)
"Way Down South" (RKO)
ORPHEUM—(2,450) (25c-30c-40c) 7 days. Gross: $4,100. (Average, $6,000)

"Mutiny on the Blackhawk" (Univ.)
"Nancy Drew and the Hidden Staircase" (W. B.)
PALOMAR—(1,500) (25c-30c-40c) 7 days. Major Bowers' "Swing School" unit on stage. Gross: $6,300. (Average, $5,000)

"In Name Only" (Para.)
"Waterfront" (W. B.)
PARAMOUNT — (3,050) (25c-30c-40c) 7 days. Gross: $7,200. (Average, $6,000)

"The Old Maid" (W. B.)
ROOSEVELT—(750) (25c-30c-40c) 7 days, 2nd week. Gross: $4,400. (Average, $4,000)

Cantor Show Is Set In Pittsburgh House

PITTSBURGH, Sept. 24.—Eddie Cantor and his radio show, including Bert Gordon and five other acts, will launch the renewed vaudeville-pictures policy at the Warner Stanley Sept. 29.

Pencilled in by Harry Kalmine for dates during the next eight weeks, without definite commitments, are Glenn Miller, Hal Kemp, Horace Heidt, Ted Weems, and a personal appearance of Ann Sheridan. The NBC broadcasts of the "Dr. I. Q." shown from the Stanley stage every Monday night will be continued for three more weeks.

Workshop in Final Program of Summer

The "Columbia Workshop Festival" will conclude its summer series with "The Fall of the City," on Thursday, from 10 to 10:30 P.M.

The elaborate presentation will be from the Los Angeles Memorial Coliseum with a cast of 500, using 60 microphones. More than 75,000 are expected to turn out for the air presentation of the Archibald MacLeish poem. Irving Reis is directing the project.

'Cavalcade' Showings

Trade showing of 20th Century-Fox's "Hollywood Cavalcade" will be held on the morning of Oct. 3 at the Ziegfeld Theatre, 6th Ave and 53rd St. Trade showings in 37 other cities are scheduled on the same day.

Hollywood Preview

"Here I Am a Stranger"

(20th Century-Fox)

HOLLYWOOD, Sept. 24.—With some new twists that make for novelty and add to sentimental appeal, "Here I Am a Stranger" is another exhibition of the father-son plot. This 20th Century-Fox offering, which Harry Joe Brown produced, stars Richard Greene and Richard Dix and features Brenda Joyce, Roland Young, Gladys George, Russell Gleason, Edward Norris, Henry Kolker and George Zucco.

As directed by Roy Del Ruth from an original by Gordon Malherbe Hillman, for which Milton Sperling and Sam Hellman did the screenplay, good use is made of explanatory detail to build the denouement. Meanwhile, however, quite a bit of irrelevant material is included.

Greene, scion of divorced parents, learns after entering college that Dix, erstwhile Stafford football hero and brilliant student, but now a rum soaked newsman, is his father. Inspired by the boy's affection for him, Dix gets a new grip on himself. Meanwhile, Green experiences all the good and bad things of college life and gains the friendship of Professor Young's daughter, Miss Joyce.

A crisis comes into the lad's life, however, when Norris, hit-and-run driver, kills a woman. Mother Gladys George, business tycoon Kolker and stepfather Zucco plead with him to save Norris and let Russell Gleason take the blame. Even Dix pleads in a way the boy, who has high ideals, cannot understand. Still he sticks to his purpose and does the right thing, much to the discomfort of all but himself, Dix and Gleason.

Running time, 80 minutes. "G."* G. McC.

*"G" denotes general classification.

Formula Prepared On British Releases

LONDON, Sept. 24.—The general council of the Cinematograph Exhibitors' Association is seeking a location away from the city for an emergency meeting next week.

A formula has now been agreed upon by distributors to solve the releasing problem brought about by the reopening of the film theatres of the country on two separate dates. With the substitution programs in certain houses during the first week in October, and appropriate transfers to later showings, it is believed the business soon will revert to normal.

Burns-Allen Show To Resume Oct. 4

The George Burns-Gracie Allen program will resume over CBS on Oct. 4, continuing every Wednesday night after that from 7:30 to 8 P.M. Ray Noble will conduct the accompanying orchestra and Frank Parker will sing. Truman Bradley is the new announcer.

The program is sponsored by Lehn and Fink Products Corp., on behalf of Hinds Honey and Almond Cream.

207 Repeat Bookings

A total of 207 repeat bookings was obtained by 23 of the 20th Century-Fox exchanges in the United States and Canada last week. The company, to add extra revenue because of the war situation, is seeking repeat playing time.

Two Shows Renewed

"John's Other Wife" and "Just Plain Bill," sponsored over NBC by A. S. Boyle Co. and Anacin Co., respectively, have been renewed for one year each. The sponsors have increased the number of stations for the programs.

Warner Meeting Delegates Named

Delegates to the annual meeting of Warner Club, Inc. which will be held at the home office Saturday, were named at elections at the home office last week. National officers of the Warner Club will be elected at the meeting.

Delegates named were Philip Abrahams, Ray Ayrey, J. H. Barry, W. V. Brooks, W. A. Cannon, Jack Diamond, F. L. Gates, Bernard Goodman, L. B. Griffin, Rudy Hagen, F. J. Kiernan, Walker R. Koppe, Mollie Negri, Leonard Palumbo, John Perin, Etty Phillips, Elkan Reiner, Sol Shernow, Al Trojack, Sam Wolowitz and Jack Wuhrman.

Cameramen's Wage Talks Here Delayed

Discussions of a new two-year agreement with Cameramen's Local 644 have been put off for about a month due to the departure for the Coast today of Pat Casey, producers' labor representative.

Negotiations between the Eastern cameramen and the five newsreels were begun about 10 days ago, but have not been advanced to any decisive stage. Casey was called back to the Coast to sit in on the current negotiations between producers and the I.A.T.S.E. on new wage and hour schedules for studio crafts. He is due back in New York in three or four weeks.

Attorney Sues

Claiming that $250,000 was due him for services rendered to the defendant in the Paramount Publix Corp. reorganization, David Stoneham, Boston lawyer, filed suit today in the New York Supreme Court against Stephen A. Lynch. Stoneham alleged that he represented Lynch as attorney from February 1, 1933, to July 2, 1936, at the reorganization proceedings and that he had been unpaid.

'Rains' Smash Detroit Lead With $25,000

DETROIT, Sept. 24.—The Fox recorded its biggest week in many months, doubling its average take with $25,000 on "The Rains Came" and "Hawaiian Nights." The other theatres showed average and less than average receipts.

The Michigan grossed $9,000 with "On Borrowed Time" and "These Glamour Girls," while the United Artists in the second week of "Beau Geste" took $9,000.

Estimated takings for the week ending Sept. 21.

"Golden Boy" (Col.)
"Five Little Peppers" (Col.)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $5,000. (Average, $5,000)

"Second Fiddle" (20th-Fox)
"Hound of the Baskervilles" (20th-Fox)
FISHER—(2,800) (15c-40c) 7 days. Gross: $4,300. (Average, $4,500)

"The Rains Came" (20th-Fox)
"Hawaiian Nights" (Univ.)
FOX—(5,000) (25c-55c) 7 days. Gross: $25,000. (Average, $12,000)

"On Borrowed Time" (M-G-M)
"These Glamour Girls" (M-G-M)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: $9,000. (Average, $10,000)

"The Star Maker" (Para.)
"Angels Wash Their Faces" (W. B.)
PALMS—(3,000) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)

"Beau Geste" (Para.)
UNITED ARTISTS—(2,100) (15c-55c) 7 days. Gross: $10,000. (Average, $10,000)

Bankruptcy Action Against Two Firms

Federal Judge Alfred C. Coxe on Friday appointed Irwin Kurtz ancillary Referee in Bankruptcy of Ambassador Pictures, Inc., and Conn Productions, Inc., California bankrupt concerns, and authorized Referee Kurtz to direct Joseph Malcolm as president of Malcolm Laboratories Corp, Melvin M. Hirsh as president of Syndicate Exchanges, Inc., and of Security Pictures, Inc., Mr. Marks as president of Marks & Malcolm Trading Corp. and Samuel Goldstein as treasurer of Guaranteed Pictures Co., to appear for testimony as to the assets of the bankrupts. The order was signed in response to a petition of Benjamin Lichtenfeld, trustee of the bankrupts, which charged the respondents with withholding assets belonging to the bankrupts.

Sued Over Bank Night

Schine Chain Theatres, Inc., Schine Theatre Co., Inc., S. K. E. Operating Co., Ltd., Schine Enterprises Corp. and Meyer and Louis Schine, trading as Schine Theatrical Enterprises, were named defendants on Friday in a suit seeking $8,532, filed by Edward Goldstein in the New York Supreme Court. Goldstein claims that amount is due him for running Bank Nights in 24 of the defendants theatres under a one year contract made in January, 1938.

Irwin on NBC Staff

Warren Irwin, former correspondent in Geneva for the *New York Times*, has been added to the foreign staff of NBC. He will serve as a reporter for the air under the direction of Max Jordan, NBC's European representative, with headquarters in Berle, Switzerland.

SMPE Plans One Session At N. Y. Fair

One of the evening sessions of the Fall convention of the Society of Motion Picture Engineers will be held at the New York World's Fair, so that members may witness special photographic and sound recording demonstrations at two Fair exhibits, according to W. C. Kunzman, convention vice-president, and D. E. Hyndman, chairman of the Atlantic Coast section, in charge of local arrangements.

The convention opens Monday, Oct. 16, and on that evening the session will convene at the Chrysler Exhibit for a demonstration of stereoptic pictures. This will be followed by a special demonstration of recording in the A. T. & T. Building. The afternoon and evening of the second day of the convention have been left open for delegates to visit the Fair or go sightseeing.

The convention, to be held at the Hotel Pennsylvania, will conclude on Oct. 19. Four officers for 1940 will be elected, financial vice-president, secretary, engineering vice-president and treasurer. The convention will be climaxed at the semi-annual banquet and dance, in the grand ballroom of the hotel on Oct. 18. At that time the society's Progress Medal and Journal Awards will be presented, and new officers introduced.

AGVA Has 3,891 Members in East

Membership in American Guild of Variety Artists has reached 3,891 in the east, Jean Muir who is in charge of the organizational drive revealed over the weekend. National figures are not yet available. Jay C. Flippen has been named chairman of the membership committee.

A.G.V.A. has served notice that actors who have resisted the organization of the new union must join before Oct. 1 or be subject to possible penalties. With Sophie Tucker, American Federation of Actors president, now in the A.G.V.A. ranks, the continued existence of A.F.A. is once more being questioned. A meeting of the A.F.A. council early this week is expected to finally clarify the issue.

SAG Pledges Aid To Goldwyn's Idea

HOLLYWOOD, Sept. 24.—The Screen Actors Guild, through Ralph Morgan, president, yesterday offered its cooperation to Samuel Goldwyn in his suggestion of creating a fact-finding committee to delve into the Hollywood studio situation with respect to the effect of the European war.

Morgan said:

"I believe that members of S.A.G. have sincere confidence in your integrity and believe that any round table conference negotiated by you will be handled with complete honesty and fairness to all concerned.

"I am aware that our industry must recognize and adjust itself to current conditions, and I can assure you that our organization will do its part at all times to protect and safeguard this industry."

SHORT SUBJECT REVIEWS

"History Repeats Itself"

(*Warners*)

Radio Rogues provide a hilarious interpretation of history in an unsuccessful effort to aid two swindlers. Faced by a visit from the district attorney, the two men who have sold stock in a time machine which is supposed to reproduce ancient events, engage the Three Rogues. As the D.A. calls for past events, the Three Rogues re-enact the scenes. Historical characters in the scenes prove to be impersonations of familiar screen personalities. The plan is exposed when the Rogues crash through the screen. It produces plenty of laughs. Running time, 10 mins.

"Jeepers Creepers"

(*Schlesinger-Warner*)

This is a "Looney Tune" cartoon in which Officer Porky is ordered to investigate a haunted house. Entering with fear, Porky encounters a playful ghost who proceeds to tease him. Many amusing effects are obtained as the ghost terrifies Porky, but the latter gets even by refusing the ghost a ride in his patrol car later. Running time, 7 mins.

"Sword Fishing"

(*Warners*)

Howard Hill, champion archer, takes a party fishing for marlin and swordfish. Instead of using the customary rod and reel, Hill does an amazing bit of fishing with his bow and arrow. With the arrows attached to a line so that they can be retrieved, Hill first shoots some flying fish for the others in the party to use as bait. Later, Hill shoots some marlin directly and reels them in. One member of the party decides to go out in a small boat after a swordfish has been hit by Hill. A spectacular shot is obtained as the swordfish rams his way completely through the rowboat. Running time, 10 mins.

"Think First"

(*M-G-M*)

Women in crime attract the spotlight in the latest issue of the "Crime Does Not Pay" series. A shoplifting gang entices two young waitresses into its employ and they become professional shoplifters. Ultimately they are caught by a store detective and are given prison terms. The gang is arrested after a battle. Well cast and effectively directed. Running time, 20 mins.

"Unseen Guardians"

(*M-G-M*)

Three types of "Unseen Guardians" are presented in this issue of "The Passing Parade." First come the post office inspectors who guard the mails against fraudulent mail order houses. The practices of such disreputable firms and the manner of detection are skillfully traced. Then the work of the Underwriters' Laboratories is depicted, with the manner of testing the various items which come to them for approval. Finally, the camera shows how orphan homes select proper guardians for homeless children. Exceptionally well done. Running time, 11 mins.

"Football Thrills of 1938"

(*M-G-M*)

With the football season upon us, this thrilling Pete Smith Specialty presents a timely resume of the top flight football plays of the last year. It is a compilation which will lift the football fans out of their seats and will engage the active attention of the rest of the audience. Not only are last year's crack teams shown, but the reel is carefully edited down to the outstanding plays of each team. Exciting throughout, the reel is a sure fire hit. Running time, 10 mins.

"A Day on Treasure Island"

(*FitzPatrick-M-G-M*)

The San Francisco World's Fair is the subject portrayed in this color Traveltalk. A pleasant variety of scenes are shown including the amusement section, the foreign area with its gay display of flags, a flower exhibit maintained by amateur horticulturists and many of the other colorful exhibits. Running time, 10 mins.

Buys Bein's Play

Kermit Bloomgarden, business manager of the Group Theatre, has acquired "Heavenly Express," play by Albert Bein, and plans to produce it early next year with John Garfield in the lead.

Museum to Teach Motion Picture Art

History, technique and aesthetics of the motion picture will again be taught at the Museum of Modern Art, marking the third successive year of the project. Class of forty selected students, to be conducted by Iris Barry, curator of the Museum's Film Library, will commence the session October 3.

Course will enjoy the cooperation of the motion picture industry, with lectures by prominent men in the industry and visits to various studios and laboratories provided. Last year's guest lecturers included Walter Wanger, Arthur Hitchcock, Archie Mayo, Rouben Mamoulian, Anna Neagle and Eric Knight.

This week's program of films shown daily at the Museum is as follows: today, "Moana of the South Seas" and "Berlin, the Symphony of a Big City"; Tuesday, "The Love of Jeannie Ney"; Wednesday, "His Bitter Pill," "The Freshman," "The Sex Life of the Polyp" and "The Skeleton Dance"; Thursday, "Hotel Imperial" and "The Wind"; Friday, "Hands" and "Sunrise"; Saturday, "Tatters, a Tale of the Slums" and "Underworld," and on Sunday, "Plane Crazy" and "The Last Command."

Shows Spanish Film

The Forty-Eighth St. Theatre opened formally Friday night with the Spanish film, "El Capitan Aventurero." Policy of the house is to be Spanish and Scandinavian language pictures alternated. Jean Kunzler operates the theatre. There are three other Spanish film theatres in New York.



Fox Overseas Drive Pushed Despite War

War or no war, 20th Century-Fox is carrying on its S. R. Kent Overseas Drive, with Leslie F. Whelen of the foreign department as drive leader.

European countries, of course, are trailing in the drive. Japan is in first place, with the Federated Malay States second. Others in the first 10, in order, are Colombia, Hungary, India, Norway, Latvia, Puerto Rico, South Africa, Trinidad and Dutch East Indies.

Great Britain has delivered a little better than 55 per cent of the accumulated two weeks' drive quota, which the foreign department considers very good considering war conditions and the fact that theatres were closed for a week.

Due to the ban on communications, the revenue from most European countries had to be estimated from information relayed to the home office from Paris by Benjamin Miggins, continental European manager, by transatlantic telephone.

No information is available from Poland, Germany and Rumania. The Paris offices are completely shut off from direct communication with those countries. European communication from Paris is available only with the Scandinavian branches, and these report business a little ahead of the same period last year.

Paris communication with the United States has been on a restricted basis.

'Rains' Is Smash $14,500, Cincinnati

CINCINNATI, Sept. 24.—"The Rains Came" took a tremendous $14,500 at the RKO Capitol. "Beau Geste" pulled $13,000 at the RKO Albee.

Estimated takings for the week ending Sept. 19-23:

"Beau Geste" (Para.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $13,000. (Average, $12,000)
"Blackmail" (M-G-M)
RKO PALACE—(2,700) (35c-42c) 5 days. Gross: $5,900. (Average, 7 days, $10,000)
"Speedway" (W. B.)
RKO SHUBERT—(2,150) (40c-60c) 7 days. Stage: Jan Garber and orchestra. Gross: $14,500. (Average, $10,000)
"The Rains Came" (20th-Fox)
RKO CAPITOL—(2,000) (35c-42c) 7 days. Gross: $14,500. (Average, $6,500)
"The Old Maid" (F.N.)
RKO LYRIC—(1,400) (25c-40c) 7 days. 2nd week. Gross: $5,000. (Average, $5,000)
"Mutiny on the Blackhawk" (Univ.)
"Irish Luck" (Mono.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: $1,000. (Average, $1,500)
"Conspiracy" (RKO)
"Fighting Gringo" (RKO)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: $800. (Average, $900)
"The Women" (M-G-M)
KEITH'S—(1,500) (30c-40c) 2nd week. Gross: $4,900. (Average, $6,000)

I.T.O.A. in Renewed Attack on Censors

Film censorship was the subject of a renewed attack Friday by the Independent Theatre Owners Association of N. Y., which met at the Astor. The I.T.O.A. said that the Board of Regents action in lifting the state censors' ban against the French film, "Harvest," was proof that the censors are "inconsistent, incompetent and expensive to the theatre owners of the State."

War Gives American Films New Hold in Mexican Field

By JAMES LOCKHART

MEXICO CITY, Sept. 24.—American pictures have been put further out in front in Mexico as a result of the war. No German pictures are being exhibited and it is difficult to bring in British and French films owing to belligerent conditions. The only competition American films now have, to speak of, are Mexican pictures. Now American pictures completely dominate this market.

Advancement of plans for the organization of a state-controlled bank to finance the Mexican picture industry has been attained with the appointment of a committee by the industry to work toward this end with the Government. The bank is to have its headquarters here. The amount of its capital, to be provided equally by the Government and the industry, has not yet been determined, but it is reported that it will be around 20,000,000 pesos (some $3,500,000). The bank is expected to begin functioning this year.

Experiments with the first television in Mexico are being arranged by local Station XEW and the Cine Teatro Alamada, first line film house, with performances of puppets the Piccoli Italian company is presenting at the Palace of Fine Arts (National Theatre).

Mexico's regulation which forbids broadcasts of liquor and saloon publicity by radio stations has been modified to allow plugs for beer and table wines. But the Mexican association of commercial radio stations advises its members against making such plugs monotonous and urges subtlety to please the customers.

Radio station XEW here, which was inaugurated nine years ago, has increased its power to 200,000 watts with a half-wave antenna 750 feet high. This, it is claimed, makes the station the most powerful in Latin America.

The National Federation of Cinematographic Industry Workers has postponed until Oct. 2 to 4 its convention in Guadalajara, Mexico's second largest city. It was to have been held this month. Organization of all Mexican picture workers into one big union is a primary objective of the meeting.

Mexico now has 701 film houses in active service, according to a survey of exhibitors. These theatres include two large and modern provincial houses that have just opened, the Cine Coliseo, a 5,000-seater, in Puebla City, owned by the seven Espinosa Iglesias Brothers, and the Cine Ideal, seating 4,000, in Salvatierra, Guanajuato State.

A phonograph record of alleged libelous utterances by a radio station cannot be accepted as evidence in Mexican courts, the Supreme Court decided in rejecting the suit for $50,000 damages brought by Robert Lee Spann, owner and operator of a sanatorium at Dallas, Texas, against the Compania Mexicana Radiofusora Pronterzia, S. A., which conducts Station XERA on the Texas border.

Spann charged that the station in a broadcast had damaged his reputation and offered the record as evidence. The court, while admitting that the record was certain evidence, held that it was not complete evidence, for, it considered, there was nothing to prove that statements the record issued were identical with those to which Spann objected.

Theatrical labor unions are endeavoring to induce owners of the historic Teatro Virginia Fabregas to change their minds about converting the theatre into a film house.

Dedicating WCKY In Cincinnati Today

CINCINNATI, Sept. 24. — Mayor James G. Stewart tomorrow will officially dedicate the WCKY's new high-power transmitter in a gala broadcast from Fountain Square in the heart of the downtown business sector. WCKY is a new CBS affiliate for this area.

H. V. Kaltenborn, CBS new analyst, will participate in the dedicatory and salute programs. Gov. John W. Bricker, of Ohio, and Gov. A. B. Chandler, of Kentucky, have been invited to speak.

Gable in Gulf Play

Clark Gable, Ginger Rogers and Margaret Lindsay will form the star cast for the Gulf gasoline-sponsored Screen Actors Guild presentation of "Imperfect Lady" over CBS on Oct. 1.

Fox to Make Strong South American Bid

Twentieth Century-Fox plans for increasing business in South America are highlighted by trips to Latin American countries by Joseph M. Schenck, chairman of the board, and Walter J. Hutchinson, director of foreign distribution.

Schenck left late last week to spend some time in Mexico and South America. Hutchinson is due back today from Havana where he arrived Thursday by plane via Miami.

Hutchinson placed the Caribbean offices under the direct supervision of the home office, with William J. Sullivan supervising the Central American branches.

Suit Withdrawn

Suit for $150,000 damages for alleged conversion of film rights brought by Lina Pictures Corp. against H. E. R. Laboratories, Inc., Garrison Film Distributors, Inc., and Aladdin Pictures Corp., was discontinued on Friday when a stipulation was filed in the N. Y. Supreme Court withdrawing the suit and conceding all disputed rights to the defendants. Lina Pictures had sued under an assignment of film rights from Talking Picture Epics, bankrupt concern.

Col. Deals Closed

New deals with Griffith Amusement Co., Oklahoma City, and Wometco Circuit, Miami, were closed by Columbia late last week. The deals cover the company's entire 1939-'40 product.

Metro Gives 'Frisco Fair Trips for 10

Ten M-G-M field employes, two from each of five offices, will visit the Golden Gate International Exposition at San Francisco and the M-G-M studios at Culver City as guests of the company in October.

The ten free trips are awards in M-G-M's annual efficiency competition which ended August 31. Five leading offices, Cincinnati, New York, Washington, New Orleans and Charlotte, each selected two staff members to make the trip.

The winners will meet in Chicago Oct. 13, and travel to San Francisco together, spending four days, Oct. 16-20, at the Coast Fair and sightseeing in San Francisco. Then follows a two days' stay, Oct. 20-21, at Los Angeles, after which the winners will return to their respective offices.

Winners of the free trips were: Cincinnati: Estelle Schilferth, office manager's secretary, and Henry Cordes, building custodian; Washington: Esther Blendman, assistant bookkeeper, and Elizabeth Wyatt, film inspector; New York: Elizabeth Hoffman, booker's clerk, and Joseph Lalima, night film inspector; New Orleans: Augusta Woolverton, stenographer, and Rosemary McElroy, film inspector; Charlotte: Blanche Carr, cashier, and Jewel Terry, chief film inspector.

'Rains Came' Draws $8,500, Providence

PROVIDENCE, Sept. 24.—"The Rains Came" and "Stop, Look and Love" at the Majestic, led the town with $8,500. A split week of "Golden Boy" and "Should Husbands Work?" at the Strand, followed for two days by "Beau Geste," was good for $9,000.

Estimated takings for the week ending Sept. 19-21:

"The Women" (M-G-M)
"Trapped in the Sky" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days, 2nd week. Gross: $9,000. (Average, $11,000)
"The Rains Came" (20th-Fox)
"Stop, Look and Love" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) Gross: $8,500. (Average, $7,000)
"Golden Boy" (Col.) (5 days)
"Should Husbands Work?" (Rep.) (4 days)
"Beau Geste" (Para.) (2 days)
STRAND—(2,100) (25c-35c-50c). Gross: $9,000. (Average, 7 days, $6,000)
"When Tomorrow Comes" (Univ.)
"Inside Information" (Univ.)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days. Gross: $6,000. (Average, $6,000)
"Ex-Champ" (Univ.)
FAY'S—(1,800) (25c-35c-40c), 7 days. Vaudeville. Gross: $6,500. (Average, $6,500)
"The Old Maid" (W. B.)
"Everybody's Hobby" (W. B.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $4,000. (Average, $3,500)
"Magnificent Fraud" (Para.) (3 days)
"News is Made at Night" (20th-Fox) (3 days)
"Winter Carnival" (U. A.) (4 days)
"Island of Lost Men" (Para.) (4 days)
EMPIRE—(2,200) (20c-30c) 2nd run. Gross: $1,400. (Average, $1,800)

Adds Network Shows

SAN FRANCISCO, Sept. 24.—Station KSAN, which recently became the local outlet of the California Radio System, has added 10 more of the network's shows to its schedule each week, according to manager S. H. Patterson. The new pickups are concerts, dance remotes, and race results.

DO NOT REMOVE

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 60 NEW YORK, TUESDAY, SEPTEMBER 26, 1939 TEN CENTS

Trade Mourns For Laemmle; Funeral Today

Studios to Suspend Work For Five Minutes

LOS ANGELES, Sept. 25.—The motion picture industry will pay its final respects tomorrow to Carl Laemmle, Sr., pioneer producer, who died Sunday at the age of 72. He had retired from the motion picture business three years ago.



Carl Laemmle

Funeral services will begin at the Wilshire Temple B'nai B'rith. The Rev. Edgar F. Magnin will officiate. The body will lie in state at the Temple from 11:30 a.m. until the hour for the service at 12:30.

Work will be suspended in Hollywood and at Universal exchanges throughout the world at that time for five minutes during which a silent period of respect will be observed. Flags were at half mast today at the Universal studio, which he founded and from

(*Continued on page 8*)

Harry Ross Finds Midwest Optimistic

Prospects for theatre business in the Midwest are exceedingly bright, due to the sharp rise in industrial activity, according to Harry A. Ross, president of Ross Federal Service, who has returned from a two-week trip through the area.

With a few exceptions caused by weather conditions, the upswing in box-office grosses has been general, Ross noted, and he reports exhibitors as saying that the improvement in early fall product has been a great stimulus.

There is a general feeling of optimism throughout the industrial sections, Ross said. Detroit is booming with automobile production at a high level, and the steel mills in Pennsylvania are back to their 1925 prosperity, with thousands being reemployed.

Ross observed a direct parallel between a rise in department store sales and theatre business, both benefiting by the upswing in industrial activity.

France to Resume Production of Films; Renoir Given Post

PARIS, Sept. 25.—Plans are under way in France to resume film production, which has been stopped by the war. Jean Renoir, well known director, has been charged by the Ministry of Information to plan resumption of production along both "artistic and propaganda lines."

The production industry thus may come back under Government aegis, presumably with Renoir in charge. Renoir directed "Grand Illusion," film of the World War, and other pictures.

Resumption of studio activity depends on the actors and technicians available. Renoir is expected to ask leaves of absences for actors and technical experts, whose ranks were depleted by the mobilization. All of military age have been called.

Among those in the service is Charles Boyer, who arrived here several weeks ago to make a film which was scheduled also for release in America under the title "The Pirate." The war started before production could get under way. Boyer enrolled as a private in the Infantry. His wife, Pat Paterson, is staying with Boyer's mother at her farm at Figeac. The Boyers were scheduled to return to Hollywood late in the Fall.

Erich von Stroheim, who fought with the Germans in the World War, is reported to have enlisted in the

(*Continued on page 8*)

PRODUCERS SEEK I. A. COMPROMISE

Legionnaires Give Chicago Free Show

Chicago, Sept. 25.—Theatre business showed no marked improvement over the week-end as 250,000 Legionnaires descended upon Chicago. The streets took on a mardi gras atmosphere with celebrants blocking traffic and entertaining passerbys. Chicagoans generally found that the free show on the streets was more attractive than film offerings and grosses failed to rise above the usual levels.

Berman Will Keep RKO Post Till Nov.1

Pandro S. Berman will remain at RKO until Nov. 1, although he had asked that his present contract be terminated no later than Oct. 1. He will stay on with RKO by mutual agreement.

It was in February that Berman asked for an early release from his contract as executive producer. Ber-

(*Continued on page 6*)

Find Demands Excessive; Ultimatum on Strike Expires Today

HOLLYWOOD, Sept. 25.—Meeting in an extraordinary session tonight, producers debated their course of action in the face of the ultimatum served upon them by the I.A.T.S.E.

The I.A., through William Bioff, issued an ultimatum Saturday, threatening a strike if the producers failed to respond favorably to demands for a general wage increase and improved working conditions for studio craftsmen.

It was indicated that the producers were willing to negotiate an agreement, but that they considered the wage demands excessive in view of the retrenchments which the studios have instituted to offset losses of foreign revenues caused by the European war.

It was reported that the producers are flatly refusing to grant the workers a 20 per cent wage increase.

The I.A. gave the producers until tomorrow to sign wage and working conditions provisions of the closed shop agreement which was consummated Aug. 10.

While some industry leaders did not view the strike threat with apprehension, I.A. officials declared that they were tired of being given the "run-around" and would strike to enforce their demands.

The strike, if it is called, will be confined first to the West Coast, it is believed, and not immediately involve projectionists in all of America's theatres.

The United Studio Technicians

(*Continued on page 4*)

Tributes Paid Laemmle

Industry leaders yesterday paid tribute to the memory of Carl Laemmle, when word was received of the death on the Coast Sunday of the industry pioneer.

Among the expressions of regret were the following:

J. CHEEVER COWDIN, chairman of the board of Universal Pictures, and NATE BLUMREBG, president of Universal Pictures—"The motion picture industry has just lost, in the death of Carl Laemmle, one of its finest figures and real pioneers. Though Mr. Laemmle was no longer an official member of our family, Universal executives and employes everywhere keenly feel this loss in a sincerely personal way. To indicate our feelings and to respect and honor the memory of Universal's founder, Universal employes everywhere will observe a five-minute period of silence on Tuesday, Sept. 26, at 12:30 P.M.—the starting hour for Mr. Leammle's service in Los Angeles. Our tribute to Mr. Laemmle will take place at the studio, in the New York office and in Universal exchanges and offices at home and abroad."

WILL H. HAYS—"In almost three-quarters of a century, Carl Laemmle traveled far. He crossed the Atlantic to the United States to become a fine American citizen. He crossed the United States to the Pacific to become a great distributor and a producer who helped set the motion picture stars in their courses.

"Now 'Uncle Carl' has started on a longer journey to a land no man knows, but we do know that he will find friends there. In his long journey from life until death, he never traveled anywhere without making or finding a friend.

"The services of Carl Laemmle to the motion picture industry were distinguished. He had courage and vision and he kept his honor bright. He fought for what he believed to be

(*Continued on page 8*)

Coast Grand Jury To Question Mayer

HOLLYWOOD, Sept. 25.—The Federal grand jury will open its investigation of alleged income tax evasion and labor racketeering charges Wednesday with the first witnesses to be summoned being officers of various banks.

Louis B. Mayer will be called Thursday by Charles Carr, assistant U. S. attorney general in charge of the investigation.

Scheduled also to testify are Ken Thomson, Aubrey Blair and Robert Montgomery, leaders of the Screen Actors Guild. William Bioff, I.A.T.S.E. leader, also has been subpoenaed.

One Big Union Plan Hindered By Television

Jurisdiction over television performers continues unsettled, with Actors Equity still battling with Screen Actors Guild and American Federation of Radio Artists, it was learned from Associated Actors and Artistes of America officials yesterday. It was hoped that the controversy would be settled during discussions on the "one big union" plan, but television is proving a major stumbling block.

Unification plans are moving much more slowly than was anticipated. New members of the American Guild of Variety Artists were assured two weeks ago that the plan would be ready for their approval "within two weeks," but it is far from ready.

Equity laid claim to television jurisdiction by virtue of a provision inserted in its charter in 1931, but S.A.G. and A.F.R.A. proposed that a tri-union committee administer the field. Equity is prepared to accept a compromise, it is understood, but does not wish to surrender its authority completely to a committee. Equity committees have been gathering data on working conditions in the television field and are prepared to start organizing immediately, but clarification of jurisdiction is delaying action.

Meanwhile, Maida Reade, A.G.V.A. executive secretary, resigned over the weekend. Reports of a rift were denied by 4-A officials who declared that she had resigned for personal reasons. She was succeeded by a temporary committee composed of Equity, S.A.G. and A.F.R.A. Paul Dullzell, Equity executive secretary, Florence Marston, S.A.G. eastern representative, and Emily Holt, A.F.R.A. executive secretary, comprise the committee.

Goldenson, Netter At Atlanta Parley

Leonard Goldenson and Leon Netter, Paramount home office theatre executives, have gone to Atlanta, where they will resume discussions of a new operating agreement for the Paramount houses in the Lucas & Jenkins circuit.

The negotiations were begun here several weeks ago with E. V. Lucas and W. K. Jenkins. The former agreement under which the houses were being operated expired last July.

Goldenson and Netter just completed an inspection tour of Paramount theatre properties in Detroit, Chicago and Minneapolis. They are due back from Atlanta at the end of the week.

Morris Signs Fio Rito

Ted Fio Rito has signed an exclusive management contract with the William Morris agency and will record four sides for Victor next week before leaving New York on a tour now being booked.

For Lunch, Dinner or Supper
LaHIFF'S TAVERN
The Industry's
MEETING and EATING PLACE
156 W. 48th St. Tel. CHickering 4-4200

Purely Personal

WILL H. HAYS, M.P.P.D.A. president, arrived in New York from the Coast yesterday for the Fall board meeting of the organization tomorrow.

•

LIEUT. HARRY J. LEWIS of the Signal Corps, U. S. Army, has arrived in Hollywood as the seventh officer to receive training under the program carried on between the War Department and the Research Council of the Academy of Motion Picture Arts and Sciences on the Coast.

•

WALTER HIERSTEINER, son of HARRY HIERSTEINER, owner of the Family in Des Moines, enters Harvard Law School this year, having graduated from Iowa State University last June.

•

MONTY BANKS, 20th Century-Fox director in England, changed his mind about sailing back and returned to Europe over the weekend on the *Yankee Clipper*.

•

MRS. FOSTER JACKSON, owner of the Elsinore in Elsinore, Cal., currently touring the country, was in New York for the World's Fair yesterday.

•

ROBERT GILLHAM, Paramount advertising and publicity director, returned to New York yesterday from a two weeks' visit at the studio.

•

EMMETT JACKSON, announcer at WHIP-WWAE in Hammond, Ind., last week married ANNE WILKIN of Connersville, Ind.

•

H. M. BESSEY, secretary-treasurer of Altec Service Corporation, returned yesterday from a trip to the Coast.

•

BONNEY POWELL, Movietone News cameraman assigned to the western front, is still awaiting his French visa.

•

TEX RITTER, Monogram western star, will return to the Coast from a personal appearance tour on Friday.

GEORGE J. SCHAEFER, RKO president, plans to leave for the Coast on Friday.

•

WILLIAM LEBARON, Paramount production head, arrived in New York from the Coast by plane yesterday. He will spend several days conferring with home office executives and then begin a brief vacation in the East, returning to Hollywood in about two weeks.

•

TOBY GRUEN, JOSEPH SCHULTZ, CHARLES E. MCCARTHY, JOHN HICKS, ED SAUNDERS, MAX A. COHEN, TOM CONNORS and SIDNEY PHILLIPS among those at Nick's Hunting Room in the Astor for lunch yesterday.

•

HARRY HORNER has been signed by SOL LESSER as designer and pictorial director of "Our Town," the THORNTON WILDER play which LESSER will produce for United Artists release.

•

EDWARD A. GOLDEN, vice-president in charge of Monogram exhanges, will be a guest speaker at the convention and banquet of the I.T.O. of West Virginia at Clarksburg today.

•

ABE MONTAGUE, MORRIS HELPRIN, AL MARGOLIES, GEORGE ROSS, SAM SHAIN, EMANUEL SILVERSTONE, HARRY KOZINER, at Lindy's (49th St.) for lunch yesterday.

•

R. V. ANDERSON, special assistant to short subject sales manager HARRY MICHALSON of RKO, is on a tour of several exchanges in the South.

•

A. H. BLANK, head of Tri-State Theatres Corp., Iowa, and G. RALPH BRANTON, general manager, are in town.

•

JAMES R. GRAINGER, president of Republic, was in Toronto yesterday on a film deal. He is due back tomorrow.

•

PAT CASEY, producers' labor representative, left for the Coast yesterday, to be gone about three or four weeks.

•

MRS. RICHARD DALY, M.P.T.O.A. secretary in New York, has returned from a vacation cruise to Havana.

•

EDWARD MILLS of the Strand and Star, Wadsworth, O., among recent visitors to New York.

•

BENNY GOODMAN has been booked for a swing concert at Carnegie Hall in February.

•

It's a boy in the home of J. S. BRIGGS, Altec engineer in Seattle, Washington.

•

DAVID A. BADER has arrived in town from Los Angeles.

•

ANN SHERIDAN arrives from the Coast tomorrow.

A. H. Giannini's Son Takes Bride Today

LOS ANGELES, Sept. 25.—Bernard Giannini, 28, son of A. H. Giannini, will be married to Colleen Sword at high noon tomorrow at St. Brendan's Church here with Rev. John Sherry officiating at the nuptial mass.

Miss Natalie Sevier will be maid of honor and Mrs. Thomas Sword matron of honor and Gilbert Valle best man. Felix Aummer, Jarrett Collins, James Sword, Higgins Sword and E. McLaglen, Jr., will be ushers. Following the ceremonies a reception will be held at the Town House to which 250 have been invited. Mr. and Mrs. Giannini will go to New York afterwards.

Giannini has been associated with his father in business, handling private investments besides personal affairs for the past several years.

Leo Atanasoff Dies

MILWAUKEE, Sept. 25.—Leo Atanasoff, 51, who with four brothers formerly owned the World Theatre, is dead here. He is survived by his wife and the four brothers, Peter, Anton, Angelo and Dr. Joseph.

Carpenter, Rogers' Attorney, Dies at 69

HOLLYWOOD, Sept. 25.—Ingle Carpenter, personal attorney of Charles R. Rogers, died suddenly here Saturday night.

Carpenter, who was 69 years old, formerly represented Joseph M. Schenck and was business manager for Constance and Norma Talmadge, as well as for other stars.

Storm Stops Coast's Heat; Stars Escape

HOLLYWOOD, Sept. 25.—Southern California's record eight-day heat wave was routed with violent winds and torrential rains, and today all studios resumed normal schedules after the blistering temperatures had hindered picture shooting indoors and outdoors for more than a week.

The storm, in which 30 persons are believed to have lost their lives, caused no damage to studio properties, but during the height of the gale Sunday, Harry Rape, Metro producer, and a party were marooned in a small boat off Malibu. The craft was anchored. It rode out the storm until Rape and his guests were rescued this morning.

Parties of guests on yachts owned by Errol Flynn, Frank Morgan, Victor McLaglen, John Ford and Frank Borzage were similarly marooned off Catalina by the high winds and seas, preventing landings until early today.

More than five inches of rain fell in downtown Los Angeles within six hours.

Further storm warnings ordered today caused Metro to postpone sending a "Northwest Passage" unit on location until the weather clears. Mud conditions on Warners "Fighting 69th" location is slightly interfering with the production.

Russia Will Show Stokowski Picture

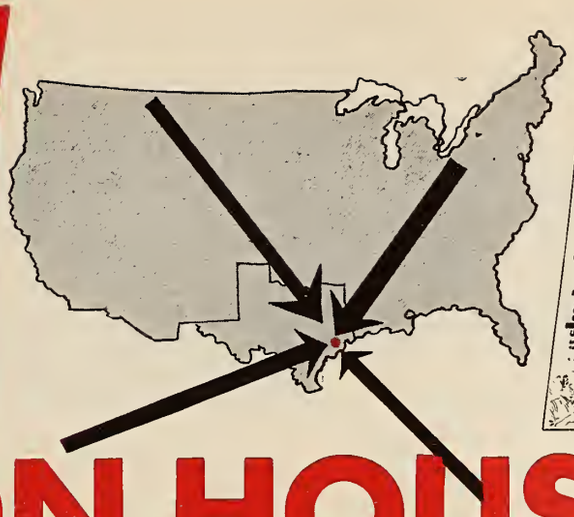
"One Hundred Men and a Girl" will be shown in Soviet Russia under a deal negotiated by Amkino with Universal. Amkino represented Intorgkino, export division of the Russian film industry.

This is the first American picture purchased by Russia since Charlie Chaplin's "Modern Times" in 1936. Negotiations have been on also for Walt Disney's "Snow White," Warners' "Juarez" and "Confessions of a Nazi Spy."

The Soviet makes outside film deals on a flat purchase basis, acquiring a lavender outright. "One Hundred Men and a Girl" is a musical, featuring Deanna Durbin and Leopold Stokowski, who conducts a symphony orchestra.

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WORLD PREMIERE! BIGGEST IN 5 YEARS!





EYES ON HOUSTON!

EXTRA! 2nd BIG WEEK

AND STILL S. R. O.!



MICKEY ROONEY & JUDY GARLAND in "BABES IN ARMS" with Charles Winninger • Guy Kibbee • June Preisser • Grace Hayes • Betty Jaynes • Douglas McPhail • Rand Brooks • Leni Lynn • John Sheffield Screen Play by Jack McGowan and Kay Van Riper • Based on the Play by Richard Rodgers and Lorenz Hart • Directed by Busby Berkeley Produced by Arthur Freed.

Watch the First Engagement of M-G-M's

"BABES IN ARMS"

Here's what Houston means for you!
Take a tip from Houston's hysteria!
Start your planning now!
Clear the decks for your run!
No attraction like it in years!
Ask M-G-M for Extra Time immediately!
"Babes in Arms"! Oh baby!

Combine Made By Exhibitors On West Coast

HOLLYWOOD, Sept. 25.—Three independent exhibitor organizations whose membership covers eight western states today announced the formation of a Pacific Coast organization without national affiliation. There are 2,000 independent theatres in the territories covered.

Those in the new combine are the Independent Theatres Owners of Southern California and Arizona, I.T.O. of Northern California and Nevada and Motion Picture Theatre Owners of Pacific Northwest.

Representation in the conference will be by a board of trustees consisting of two members from each of the three units.

The Southern California group has named Hugh W. Bruen of Whittier and Jack Y. Berman of Los Angeles as its representatives with Mrs. Jenne Dodge of Ventura as alternate.

L. O. Lukan and William Ripley are M.P.T.O.A. delegates. The Northern California group will select its representatives in a few days. Robert H. Poole of Southern California I.T.O. is the temporary executive secretary.

The trustees emphasized the fact that the three units will continue operations as individual organizations, retaining their separate identity, and that no effort was being made to establish a national independent exhibitor group.

Warners in Phila. Face Policy Change

PHILADELPHIA, Sept. 25.—Probability of a drastic policy change at Warner Stanley theatres here was evidenced today when Joseph Bernhard, president of Warner Bros. Theatres, in conjunction with Ted Schlanger, zone manager, surveyed the competitive theatres in the Philadelphia area playing double features.

It is understood the circuit executives feel that while the Philadelphia theatres are predominantly on a single feature policy, some independent theatres in the latter runs have been "crowding" the others by playing double features.

Essaness Circuit In Republic Deal

Essaness Theatre Circuit of Chicago, operating 27 theatres, has signed for Republic's new season lineup. Handling the deal were James R. Grainger, Republic president, with Irving Mandel, franchise owner, and Harry Lorch, branch manager, with Edwin Silverman and James Booth representing Essaness.

Double-Header on Air

NBC will broadcast the Cincinnati-St. Louis crucial baseball series for the National League championship starting today at Crosley field. The Blue network will carry today's double-header from 1 to 5:30. The games Wednesday and Thursday will be on the air from 3:15 to 5:30.

A Sedative

Toronto, Sept. 25.—An interesting phase of the war situation is that theatres have put an end to paging patrons during a performance because of the disturbing effect upon the audience, some of whom may be attending the show to quiet the nerves.

Set Benefit Plans At Meeting Today

Production of the sixth "Night of Stars," to be given at Madison Square Garden Nov. 15, will be planned at a meeting of the production committee today in the office of Marvin H. Schenck of Loew's. The benefit is for the settlement of refugees in Palestine.

Among those who will attend the meeting are Ben A. Boyar and Schenck, associate chairmen of the committee; Leon Leonidoff, Radio City Music Hall; Arthur Knorr, Jesse Kaye, Roxy Theatre; Harry Kalcheim, Paramount; Harry Mayer, Warner, Herbert I. Rosenthal, CBS; Samuel Chotzinoff, representing NBC; Sidney H. Piermont and Lester Isaac, Loew's; Frank Roehrenbeck, WHN, and John Shubert.

Floyd Gibbons Dies; Famous War Writer

Floyd Gibbons, 52, noted war correspondent, died unexpectedly of heart disease Sunday night at his farm near Stroudsburg, Pa. He made two series of "Your True Adventures" shorts for Warners and was well known on the radio. He lost an eye while reporting the World War in 1918. His death cut short his intention to cover the current war for the Hearst organization.

Toscanini Concert Schedule All Set

NBC has completed programming the schedule for Arturo Toscanini's broadcast concerts, which open Oct. 14. Toscanini is now en route to the United States.

Feature of the schedule will be a six-week Beethoven Festival. Concerts again are to be presented on Saturdays at 10 P.M. over the Blue network, the CBC network, and by short-wave around the world.

Tour Films Delayed

TORONTO, Sept. 25.—It is reported in Toronto film exchange circles that the release by the Canadian Government of the official Royal Tour feature of the visit of King George and Queen Elizabeth to Canada and the U. S. has been indefinitely postponed because of the war. In the meantime, two commercially produced Royal Tour features have played to many thousands of persons in Toronto and other cities.

Settle Plagiarism Suit

A plagiarism action brought by George L. Bard and Rosalind Mia Topping against Billy Rose's "Jumbo, Inc.," and associated defendants was settled in N. Y. Supreme Court yesterday on payment of $500 to the plaintiffs and with the stipulation that there had been no infringement by the Rose production.

Robbery of Patron In Theatre Raises Question for Jury

Liability of an exhibitor when a patron is robbed in an unattended ladies' rest room, is a question of fact for a jury to determine, the Appellate Term of the New York Supreme Court ruled in a recently published decision. The ruling reversed a lower court decision which dismissed the suit.

Cora L. Hart brought suit against Hercules Theatre Corp., operator of the Paramount, Manhattan, and testified that she was robbed while in the ladies' rest room on the balcony floor. Both the plaintiff and her escort testified that there was no matron, usher or attendant present except on the main floor. The lower court dismissed the suit after hearing this testimony, but the Appellate Court declared:

"Defendant owed plaintiff the duty of exercising reasonable care to protect her from injury from causes reasonably to be anticipated. Under the circumstances, where the theatre is large and kept in a state of semi-darkness, and is open to the public, it is a question of fact for the jury whether the defendant should reasonably have anticipated the happening of the incident related by the plaintiff; and if the jury finds that defendant should have anticipated such eventuality, then it is also for them to determine whether the defendant took reasonable precautions to guard against it by adequately policing the theatre with matrons, ushers and attendants or in some other manner."

Du Pont Produces Finer Positive Film

A new type of fine grain positive film has been developed by Du Pont Film Manufacturing Co. from specifications set by three Paramount engineers, Loren Ryder, Roy Hunter and James R. Wilkinson, heads of the studio sound, photographic and laboratory departments respectively. The new type positive film, which differs from fine grain negative film, is said to have improved qualities for both photographs and sound.

On the photographic side, it is reported to reduce to a minimum screen graininess, blur and background distortion. Elimination of background noises is said to aid sound reproduction

December Trial Set For Movietonews

N. Y. Supreme Court Justice Isidor Wasservogel yesterday ordered the suit of International Flight Corp. against Movietonews and Fox Film Corp. to proceed to trial before a jury early in December.

The action seeks $100,000 for the loss of a plane loaned to the newsreel by the plaintiff in 1934 to transport pictures of the assassination of King Alexander of Yugoslavia.

'Conflict' Opens Oct. 6

The French film, "Conflict," starring Corinne Luchaire, will open at the Little Carnegie Playhouse on Oct. 6. The film is released in this country by Transatlantic Distributors, Inc.

'Rains' Wins Biggest Draw At Pittsburgh

PITTSBURGH, Sept. 25.—The Harris Alvin hit the top spot with $16,000 for "The Rains Came," followed closely by "The Star Maker" drawing the same at Loew's Penn.

Estimated takings for the week ending Sept. 21:

"The Rains Came" (20th-Fox)
ALVIN — (1,900) (25c-35c-50c) 7 days. Gross: $16,000. (Average, $7,000)
"Stanley and Livingstone" (20th-Fox)
FULTON—(1,700) (25c-40c) 7 days, 2nd week. Gross: $5,500. (Average, $5,000)
"The Star Maker" (Para.)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days. Gross: $16,000. (Average, $13,000)
"Chicken Wagon Family" (20th-Fox)
"The Road to Glory" (20th-Fox) (Reissue)
SENATAR — (2,000) (25c-40c) 4 days. Gross: $1,000. (Average, 7 days, $3,500)
"Five Little Peppers" (Col.)
"Sky Patrol" (Mono.)
SENATOR — (2,000) (25c-40c) 3 days Gross: $900. (Average, 7 days, $3,500)
"The Old Maid" (W. B.)
STANLEY—(3,600) (25c-35c-50c) 7 days, 2nd week. Gross: $9,500. (Average, with stage show, $17,000)
"The Magnificent Fraud" (Para.)
"Our Leading Citizen" (Para.)
WARNER — (2,000) (25c-40c) 7 days. Gross: $4,000. (Average, $5,000)

Fox Officials Attend Kent Sales Meeting

Home office executives of 20th Century-Fox will attend a branch sales meeting here today in connection with the S. R. Kent sales drive. This will wind up a second tour of exchanges by M. A. Levy of Minneapolis, drive leader.

Attending the meeting today will be Herman Wobber, general sales manager; Charles E. McCarthy, advertising and publicity director; Division Managers William Sussman, W. J. Kupper and W. C. Gehring; Roger Ferri, editor of the *Dynamo*, company publication, and Levy. Harry H. Buxbaum and Joe J. Lee will head the branch forces at the rally.

Republic Closes Deals in St. Louis

Republic closed a deal over the weekend with Fanchon & Marco first run houses in St. Louis, the Fox Ambassador, Missouri and St. Louis, for 1939-40 product. Another deal was closed with St. Louis Amusement Co. for 26 subsequent run houses in the same city.

J. R. Grainger, Republic president, and Nat Steinberg and Barney Rosenthal, St. Louis franchise holders, acted for Republic while Harry Arthur acted for F. & M. and Edward Arthur and Max Schuler represented St. Louis Amusement.

Producers Debate IA's Strike Threat

(*Continued from page* 1)

Guild, which lost last week's election to determine the collective bargaining agency for studio workers, has filed a protest with the National Labor Relations Board.

The Guild is seeking a new studio election, claiming that I.A.T.S.E. leaders had electioneered in violation of board rules and had coerced and intimidated members into voting their way.

THE PUBLIC

IS BEING TAUGHT TO DEMAND *More Light*



MORE LIGHT is the slogan of the day. From newspapers and magazines, the lecture platform and the school, the public is being taught the sight saving value of plenty of light.

Put your theater in step with this upward trend in light intensity. It has popular appeal. People like to enter a theater in which they can *see* their way to their seats. And they can do just that in the many theaters that are now equipped with high intensity projection.

Think this over if you still have low intensity projection. Those first minutes of blindness result from the low level of general illumination necessitated by lack of light on the screen. Don't let poor lighting drive your patrons to other theaters. Install Simplified High Intensity projection and attract that growing body of theater-goers who appreciate plenty of light.

Write for a free copy of the booklet, "The Eternal Triangle in Picture Projection."

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'Beau Geste' High Grosser In Twin Cities

MINNEAPOLIS, Sept. 25.—"Beau Geste" at the State was the best business getter, with $9,100. "Golden Boy" did very well also, taking in $6,200 at the Orpheum.

In St. Paul, "Beau Geste" was again the top-notcher at the box-office, bringing $6,200 to the Paramount.

Estimated takings for the week ending Sept. 21:

Minneapolis:

"The Spellbinder" (RKO)
"Night Work" (Para.)
ASTER—(900) (15c-25c) 7 days. Gross: $1,800. (Average, $1,500)
"Each Dawn I Die" (W. B.)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: $3,500. (Average, $4,000)
"I Stole a Million" (Para.)
GOPHER—(990) (25c) 7 days. Gross: $3,200. (Average, $2,500)
"Zero Hour" (Rep.)
MINNESOTA—(4,300) (15c-30c) 7 days, stage show. Gross: $5,000. (Average, $6,000)
"Golden Boy" (Col.)
ORPHEUM — (2,900) (25c-40c) 7 days. Gross: $6,200. (Average, $4,800)
"Beau Geste" (Para.)
STATE—(2,300) (25c-40c) 7 days. Gross: $9,100. (Average, $4,400)
"Four Feathers" (U. A.)
WORLD—(400) (25c-40c) 7 days, 3rd week. Gross: $1,800. (Average, $1,600)

St. Paul:

"When Tomorrow Comes" (Univ.)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $5,100. (Average, $3,200)
"Beau Geste" (Para.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $6,200. (Average, $4,400)
"The Adventures of Sherlock Holmes" (20th-Fox)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,800. (Average, $1,800)
"Clouds Over Europe" (Col.)
"The Spellbinder" (RKO)
TOWER—(1,000) (25c) 7 days. Gross: $2,400. (Average, $1,600)
"Four Feathers" (U. A.)
WORLD—(400) (25c-55c) 6 days. Gross: $1,200. (Average, $700 for a week)

Legion Approves 12 Of 15 New Pictures

National Legion of Decency for the current week has approved 12 of 15 new pictures reviewed and classified, nine for general patronage and three for adults, and classed three as objectionable in part. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage: "Call a Messenger," "A Chump at Oxford," "Disputed Passage," "Everybody's Hobby," "1,000 a Touchdown," "Riders of the Black River," "Ruler of the Seas," "Straight Shooter," "Wall Street Cowboy." Class A-2, Unobjectionable for Adults: "Bombs Over London" (formerly classed as objectionable but changed after deletions), "The Escape," "Espionage Agent." Class B, Objectionable in Part: "The End of a Day," "Song of the Street," "Heartbeat" (all three are French).

Stations Join Mutual

WKRC, Cincinnati; WLAP, Lexington, Ky.; WSIX, Nashville, WGRC, Louisville, and WCMI, Ashland, Ky., yesterday became affiliated with the Mutual network.

March on Texaco Show

Florence Eldridge and Fredric March will co-star in Philip Barry's "Tomorrow and Tomorrow" on Texaco Star Theatre Oct. 4.

Theatre, Personnel Notes

Changes in New Haven Area

NEW HAVEN, Sept. 25.—Various schedule changes have been made in the territory. The Winchester, Fishman house dark for the summer, has returned to full time operation. Warners' have resumed three-a-week operation of the Tremont, Ansonia. The Lily, Plainfield, under Michael Daily operation, has been increased from three to six-a-week programs. The Edmond Town Hall, Newtown, has been reduced to four days a week, and Conrose's Cinema, Sound View and the Tower, Walnut Beach, have been closed. Loew's have reopened the Lyric, Bridgeport, for weekend holdovers only from the Poli and Majestic. Warners' also have made changes in admissions, raising all the Hartford neighborhoods from 25 to 30 cents, and the Cameo, Bristol and Strand, Manchester, from 35 to 40 cents. The Colonial, Hartford, tried as first run, day and date with the Strand for a few weeks, has been returned to its former second run policy.

Drive-In House Gets Stay

MILFORD, Conn., Sept. 25.—The 800-car Milford Drive-in Theatre will run through November, under stay of execution of the permanent injunction against it. The Drive-in was sued as a public nuisance in the Superior Court by 12 Milford residents, and has taken an appeal to the Supreme Court from the unfavorable decision.

Improve Texas Theatre

CORPUS CHRISTI, Tex., Sept. 25.—Corpus Christi Theatres, Inc., are improving the Ritz. The Grande and Melba are scheduled to have Neon signs installed.

Build at Bryan, Texas

BRYAN, Tex., Sept. 25.—The Aggie will be built here by Bryan Amusement Co.

Herron Joins GoldE Co.

CHICAGO, Sept. 25.—L. M. Herron, who for the past 12 years has been active as a country and city salesman for National Theatre Supply, has been appointed sales manager of the GoldE Manufacturing Co. here.

Remodel Texas House

POTH, Tex., Sept. 25.—Poth Theatre, once known as the Key, owned by C. W. Rzeppa, and closed for two years, has been remodeled, with 200 seats added.

Reopen in Toronto

TORONTO, Sept. 25.—The Garden Theatre here has been reopened by Bloom & Fine after a Summer layoff—but Soviet and other foreign language films are not being shown, as was the case under the previous policy. The theatre is now offering chinaware gifts instead—along with double features in the English language.

Sparks Builds in Florida

LAKE WALES, Fla., Sept. 25.—Permit has recently been obtained for the construction of a $ 0,000 Sparks theatre here and work will begin as soon as the ground is cleared.

Close Two in Asbury

Following the closing of the Ocean last Tuesday and the Paramount next month, four theatres in Asbury Park will remain open for the winter, the Lyric, St. James, Mayfair and Savoy.

Cut Seattle Prices

SEATTLE, Sept. 25.—Matinee prices at all downtown first run theatres here have been reduced again, for the second time within six months. The present rate is 25 cents until 6 P. M. on every day except Saturday and Sunday, instead of the former 30 cent rate. Weekend price is 25 cents until 2 P. M. Evening prices remain at 40 cents, as before.

Simultaneous reductions were made in second run admissions. The former 20-cent rate has been reduced to 15 cents for all matinees, with evening prices remaining at 30 cents.

Connecticut House Ready

THOMASTON, Conn., Sept. 25.—Robert Schwartz, operator of the Paramount, will open his new 700-seat Park Playhouse this week.

Protests Theatre Tax

PORT ST. JOE, Fla., Sept. 25.—Hugh G. Martin, owner of the Port Theatre, appeared before a recent meeting of the board of city commissioners to protest the imposition of a city tax on theatre admissions to increase local revenue.

Start Columbus Vaude. Soon

COLUMBUS, O., Sept. 25.—The RKO Palace will inaugurate its stage show season Oct. 6, when Eddie Cantor and his company are booked in for a three-day engagement. The house now is playing double features.

Manages in Cincinnati

CINCINNATI, Sept. 25. — James Wood, formerly manager of the suburban Mariemont, has been placed in charge of the new Elmwood, 900-seat suburban, opened last week by the Elmwood Amusement Corp.

Plans South Carolina House

ROCK HILL, S. C., Sept. 25.—R. E. Bryant, owner of the Capitol, has purchased a site here and will erect a new theatre representing an investment of $75,000.

Remodel Miami Theatre

MIAMI, Sept. 25.—Remodeling work has been started at the State, which is temporarily closed.

Admit Children Free

SEATTLE, Sept. 25.—Children under 12 years of age, when accompanied by their parents, are being admitted free to the Metropolitan Theatre here. The house is operated by the Herbert Rosener circuit on a foreign film policy.

RCA Closes Deals

RCA Manufacturing Co. has closed equipment deals with the following theatres: Florida Theatre, West Palm Beach, Fla.; Orpheum, Green Bay, Wis.; Uptown, Muscatine, Ia.; Lake, Lake Worth, Fla.; Lord Calvert, Baltimore, Md.; Crystal, Brooklyn, New York; Yonkers, N. Y., Fox, Fort Meade, Fla., and the Plaza, Youngstown, O.

Shifts Fabian Men

Harry Black, general manager of Fabian Staten Island theatres, has promoted Edgar Goth, manager of the Paramount, to division publicity head; moved John Firnkoess from the Liberty, Stapleton, to the Paramount there. Elihu Glass succeeds Firnkoess at Fabian's Liberty.

Greece Adopts New Film Import Rules

WASHINGTON, Sept. 25.—New import regulations for motion pictures entering Greece have been established, effective Aug. 1, 1939, according to a report to the U. S. Department of Commerce from Commercial Attache H. Lawrence Groves at Athens.

Features have been shifted from the free list to the general quota list. An annual world quota is set of 370 pictures, running from July 1 to June 30. Of the annual total, 250 may be exhibited in first run houses with orchestras, with admissions running from 17 cents up. The remaining 120 films may be shown in first run houses charging less than 17 cents. Additional prints of features already imported may be sent in free of quota restrictions. Shorts and newsreels not exceeding 500 meters in length are also free of import restrictions.

The average royalties payable on features imported into Greece are fixed at $1,200 for the first group and $300 on films designed for showing in lower priced houses.

Rogers Sets Deals On 'Warning' Film

Budd Rogers, vice-president and general manager of Alliance Films Corp., has set distribution deals for "The Warning," three-reeler on English air raid preparedness.

Lou Baxley is handling the film in Texas, Oklahoma, and Arkansas. Sack Amusement Enterprises is covering the Southern territory. The Chicago and St. Louis spots are set with Special Attractions, Pam O Film is handling the picture in Buffalo, and the Herbert Rosener Co. has distribution in California, Washington and Oregon. Colonial Pictures, Ltd., is releasing "The Warning" in Canada, the Maritime Provinces and Newfoundland.

Berman Will Keep RKO Post Till Nov. 1

(*Continued from page* 1)

man has been in charge of RKO production for the past five years. He was assistant to Merian Cooper before that when Cooper headed the RKO studios, and to David O. Selznick and William LeBaron prior to that time.

Berman's original plans were to go abroad for a specified time. However, the war no doubt has changed these arrangements. There is no indication as to what he intends to do when his term at RKO ends in a month.

Drop Murphy Talk On Roosevelt Order

WASHINGTON, Sept. 25.—Desire of President Roosevelt to have his Cabinet members close at hand during the present emergency was responsible for the final abandonment of plans to have Attorney General Frank Murphy address the Motion Picture Democratic Committee dinner in Los Angeles, it was said at the Department of Justice today.

It was explained that when Murphy asked the President for permission to go to the Coast, the latter evinced a desire to have him remain nearer home for the present. Upon this information being transmitted to the committee, it was suggested first that the Attorney General's address might be broadcast, but later it was decided to cancel it entirely.

'Rains Came' Draws $7,200 In Milwaukee

MILWAUKEE, Sept. 25.—Week's best bet was "The Rains Came" and "Stop, Look and Love" with $7,200 at Fox's Wisconsin. "Two Bright Boys," with a stage show, at the Riverside drew $7,000.

Estimated takings for the week ending Sept. 21:

"Golden Boy" (Col.)
"Five Little Peppers" (Col.)
PALACE—(2,400) (25c-35c-50c), 7 days. Gross: $4,000. (Average, $4,000)

"Two Bright Boys" (Univ.)
RIVERSIDE—(2,700) (25c-30c), 7 days. Stage: La Congo Revue. Gross: $7,000. (Average, $6,500)

"The Star Maker" (Para.)
"Frontier Marshal" (20th-Fox)
STRAND—(1,400) (25c-35c-50c), 7 days. Gross: $1,800. (Average, $1,500)

"In Name Only" (RKO)
"The Hidden Staircase" (W. B.)
WARNER—(2,400) (25c-35c-50c), 7 days. Gross: $4,800. (Average, $4,500)

"The Rains Came" (20th-Fox)
"Stop, Look and Love" (20th-Fox)
WISCONSIN—(3,200) (25c-35c-50c), 7 days. Gross: $7,200. (Average, $5,500)

'Fifth Avenue' Hits $7,900 in Montreal

MONTREAL, Sept. 25.—"Fifth Avenue Girl" drew $7,900 at the Palace. "Dust Be My Destiny," on a double bill at the Capitol, took $7,800. Better spirits and cooler weather helped grosses.

Estimated takings for the week ending Sept. 22:

"Dust Be My Destiny" (W. B.)
"Everybody's Hobby" (W. B.)
CAPITOL—(2,547) (25c-40c-55c-65c), 7 days. Gross: $7,800. (Average, $8,000)

"Stanley and Livingstone" (20th-Fox)
LOEW'S—(2,800) (30c-40c-60c), 7 days. Gross: $5,300, 2nd week. (Average, $8,000)

"They Shall Have Music" (U. A.)
ORPHEUM—(919) (25c-35c-50c), 7 days. Gross: $4,800. (Average, $5,000)

"Fifth Avenue Girl" (RKO)
PALACE—(2,660) (25c-40c-55c-65c), 7 days. Gross: $7,900. (Average, $11,000)

"The Adventures of Sherlock Holmes" (20th-Fox)
"Stop, Look and Love" (20th-Fox)
PRINCESS—(2,272) (25c-35c-50c-65c), 7 days. Gross: $3,000. (Average, $6,500)

Columbia Recording Plans Radio Series

Columbia Recording Corp., subsidiary of CBS, has taken a half hour each week on the network, beginning Sept. 29, on behalf of Columbia recordings. The show is to be called "Young Man With a Band" and will be broadcast Fridays from 10:30 to 11 P. M. over a network of 30 stations.

A different Columbia band will be featured each week, starting with Horace Heidt. Dan Seymour will act as master of ceremonies and John Henry Hammond, Jr., a member of the Columbia recording staff, will act as musical annotator.

Seebach Promoted

Julius F. Seebach, Jr., director of program operations for WOR, has been appointed vice-president in charge of programs at a board of directors' meeting. Seebach joined WOR four years ago, coming from CBS, where he also served as program director.

Feature Reviews

"$1,000 a Touchdown"

(Paramount)

HOLLYWOOD, Sept. 25.—"$1,000 a Touchdown" is comic farce entertainment with Joe E. Brown and Martha Raye featured in roles as funny as they ever have had. There's no such a thing as seriousness in the show. The Delmer Daves screen story is full of nonsense and producer William C. Thomas and director James Hogan, knowing very well what audiences expect of the comedy duo, let them burlesque things to a fare-thee-well.

The college, a family heirloom over which Miss Raye presides, is going to seed until broken down actor Brown shows up and sells her on the idea that the institution should be fitted out with a football team and the campus filled with co-eds. Other college elevens won't have anything to do with the bizaare outfit. Thereupon Miss Raye challenges a champion professional team. Her best laid plans to pay off the mortgage by betting both ends against the middle fail until president-coach Brown enters the fray. He wins the game in side-splitting style.

Built for laugh purposes, "$1,000 a Touchdown" shouldn't have much difficulty in making almost anyone laugh.

Running time, 70 minutes. "G."* G. McC.

"G" denotes general classification.

"Mademoiselle Ma Mere"

(J. H. Hoffberg Co.-Regina Films)

An amusing bedroom farce in the French manner, which is to say, gay in situation and dialogue, bordering closely on the risque at times, and withal quite entertaining—for adults—is this importation from France. Regina Films of France produced the film.

Directed by Henri Decoin from an adaptation of the farce by Louis Verneuil, the film has most particularly for American audiences a starring role played by Danielle Darrieux, who steps out of her usually tragic screen frailty to stamp and kick and squeal through the light moments of farce comedy.

That she does well with her assignment—if a little too well at times—is a tribute to her versatility. Her supporting cast includes no players known to American audiences. Charles Jahrblum has supplied a plentiful quantity of English subtitle translations of the French dialogue.

In an effort to avoid marriage with a man she does not like the flighty and piquant Miss Darrieux marries a man old enough to be her father. As it happens, he has a young and good looking son. As his stepmother ignores his father and goes her very merry way, he employs a private detective to shadow her. When she attempts to go away with another man, he follows, and the young pair suddenly discover they have been in love with one another from the start. Father is only too glad to step aside and his son marries his former wife—or something.

Running time, 85 minutes. "A."* CHARLES S. AARONSON

"A" denotes adult entertainment.

'Thunder' Draws $21,000 in Capital

WASHINGTON, Sept. 25.—World premiere of "Thunder Afloat" at Loew's Capitol realized a big $21,000. "The Under-Pup" did nicely at RKO-Keith's with $7,300.

Estimated takings for the week ending Sept. 21:

"Thunder Afloat" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-66c), 7 days. Vaudeville. Gross: $21,000. (Average, $16,500)

"Lady of the Tropics" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c), 7 days, 2nd run. Gross: $4,700. (Average, $4,500)

"The Star Maker" (Para.)
LOEW'S PALACE—(2,370) (25c-55c), 7 days. Gross: $13,500. (Average, $12,000)

"The Under-Pup" (Univ.)
RKO-KEITH'S—(1,836) (25c-55c), 7 days. Gross: $7,300. (Average, $6,000)

"Angels Wash Their Faces" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c), 7 days. Vaudeville. Gross: $14,000. (Average, $16,000)

"The Old Maid" (W. B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c). 7 days, 2nd run, 2nd week. Gross: $4,800. (Average, $4,000)

Appeals Conviction On 'Nation' Showing

DENVER, Sept. 25.—Appeal from the conviction of Robert E. Allan, local exhibitor, for having shown "The Birth of a Nation" in violation of a city ordinance, will be argued this week in the County Court.

The ordinance prohibits the showing of motion pictures which "tend to stir up or engender race prejudice, or are calculated to disturb the peace." Allan was fined $1,400 and sentenced to 120 days in jail. Carle Whitehead, attorney for the Colorado branch of the Civil Liberties Union, will intervene as friend of the court in behalf of Allan.

Jewish Film Opens

Carmel Productions opened "Light Ahead," Jewish film, on Saturday at the Ascot Theatre in the Bronx and yesterday at the Clinton in Manhattan. A Brooklyn opening will follow later this week.

'The Women' With $25,700 Loop Smash

CHICAGO, Sept. 25.—"The Women" at the United Artists drew a powerful $25,700. "Indianapolis Speedway," with June St. Clair on the stage, sent the State-Lake business to a strong $17,400. Business in other Loop houses was good.

Estimated takings for the week ending Sept. 21-23:

"Adventures of Sherlock Holmes" (20th-Fox)
APOLLO—(1,400) (25c-55c-75c), 7 days. Gross: $5,300. (Average, $6,000)

"Beau Geste" (Para.)
CHICAGO—(4,000) (35c-55c-75c), 7 days, 2nd week. Stage: Evans Ballet. Gross: $30,000. (Average, $32,000)

"Bachelor Mother" (Univ.)
GARRICK—(900) (35c-40c-65c), 7 days. Gross: $4,600. (Average, $5,000)

"Andy Hardy Gets Spring Fever" (M-G-M)
ORIENTAL—(3,400) (25c-35c-40c), 7 days. Stage: Vaudeville Revue. Gross: $14,800. (Average, $13,000)

"When Tomorrow Comes" (Univ.)
PALACE—(2,500) (35c-55c-75c), 7 days, 2nd week. Stage: Vaudeville Revue. Gross: $18,800. (Average, $18,000)

"Blackmail" (M-G-M)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $11,200. (Average, $11,000)

"Indianapolis Speedway" (W. B.)
STATE-LAKE—(2,700) (25c-35c-40c), 7 days. Stage: June St. Clair and Revue. Gross: $17,400. (Average, $12,000)

"The Women" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c), 7 days. Gross: $25,700. (Average, $14,000)

'Beau Geste' $6,700 Lead in New Haven

NEW HAVEN, Sept. 25.—"Beau Geste" and "Chicken Wagon Family" at the Paramount drew $6,700. "Dust Be My Destiny" and "Nancy Drew and the Hidden Staircase" at the Roger Sherman grossed $5,500.

Estimated takings for the week ending Sept. 22:

"In Name Only" (RKO)
"Charlie Chan on Treasure Island" (20th-Fox)
COLLEGE—(1,499) (35c-50c), 7 days, 2nd week. Gross: $1,600. (Average, $2,700)

"The Rains Came" (20th-Fox)
"Jones Family in Hollywood" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c), 7 days. Gross: $7,500. (Average, $8,000)

"Beau Geste" (Para.)
"Chicken Wagon Family" (20th-Fox)
PARAMOUNT—(2,348) (35c-50c), 7 days. Gross: $6,700. (Average, $4,000)

"Dust Be My Destiny" (W. B.)
"Nancy Drew" and the "Hidden Staircase" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c), 7 days. Gross: $5,500. (Average, $5,000)

Northwest Film Club Headed by Sheffield

SEATTLE, Sept. 25.—J. T. Sheffield, Republic Pictures franchise holder in this territory, has been elected president of the Northwest Film Club for the 1939-'40 season. Frank Christie of Hamrick-Evergreen Theatres circuit will be first vice-president and Hendon Edmond, 20th Century-Fox branch manager, will be second vice-president. Ed Lamb, manager of RKO exchange and secretary-treasurer of the club since its inception, was reelected.

New members of the board of trustees, chosen for two-year terms, are: B. F. Shearer, retiring president; Leroy V. Johnson, Jensen-VonHerberg circuit, and Keith Beckwith, Columbia.

Trade Mourns For Laemmle; Funeral Today

(Continued from page 1)

which he retired as president in 1936.

Up until a late hour today his family had not decided where Laemmle will be buried. A search of his personal records failed to reveal a possible wish as to his final resting place.

The burial will take place either in a mausoleum at Salem Fields cemetery, Brooklyn, beside his wife, who died in 1918, or in the Home of Peace cemetery here.

He is survived by one son, Carl Jr.; one daughter, Mrs. Stanley Bergerman; two brothers, Siegfried and Louis Laemmle, both of Los Angeles, and two grandchildren.

Laemmle pioneered many advances in the industry. He is generally credited with having started the custom of featuring the names of the leading players in the film's credits and advertising, thus creating the socalled "star system."

The first feature-length picture, "Traffic in Souls," a five-reeler, was produced by Laemmle at a cost of $5,000 in 1912. Laemmle foresaw the growth of the films and continued to increase his production budgets until they reached present-day figures.

Born in Germany on Jan. 17, 1867, Laemmle came to New York at the age of 17. In 1906, after a succession of jobs, he opened his first house, the White Front, a Chicago nickelodeon. The original theatre grew into a circuit of 12. Later, Laemmle established a film exchange in Chicago, aided by R. H. Cochrane who helped finance the project.

The IMP company was organized in 1909 and was destined to introduce many of the screen's players and directors to the American audiences. His first film was "Hiawatha," a 1,988-foot affair. Much of Laemmle's time, thereafter, was spent in the law courts fighting patent cases but, eventually, he was successful.

In 1912, in association with several others, he organized the Universal Film Manufacturing Co., but this company split into two groups, Universal and Mutual Universal. After the success of "Traffic in Souls," Laemmle's progress was rapid. Universal City was established as the studio and the home of Universal pictures.

Laemmle's son, Carl, Jr., was named general manager in charge of production in 1929. Seven years later, in March, 1936, Laemmle sold out his interest in Universal at a price reported to be in the neighborhood of $5,500,000.

Biograph's Bronx Studio to Suspend

Due to the adverse effect of war conditions, the Biograph Studio in the Bronx will suspend operations on Saturday, according to W. J. Sullivan, general manager and production supervisor.

The studio normally employs a staff of 20, but during production periods approximately 100 are on the payroll. Outside of a few features and advertising films, the Biograph studio's principal output consists of shorts for Columbia, Universal and RKO.

Tributes Paid Laemmle

(Continued from page 1)

right and kept his plighted word. He gave more than he asked. His friendship braved the storm.

"Carl Laemmle had and deserved the deep personal affection of all who knew him. He was a little man who was big enough to fill our hearts. His death is a public and a personal loss."

BARNEY BALABAN—"The death of Carl Laemmle marks the passing of one of the true pioneers of motion pictures—the men of vision, daring and enterprise who founded the industry and guided it through the troubled early years of its existence. The entire film industry mourns his passing and honors his memory."

Brave, Adventurous Spirit

MURRAY SILVERSTONE — "To his family and to the industry Carl Laemmle made his life's work, I offer deep and sincere condolences. He was a pioneer, with a brave, adventurous spirit. I think this industry is much greater and owes much to the life and the work of Carl Laemmle."

GEORGE J. SCHAEFER — "Carl Laemmle helped mold the first half-century of the motion picture industry. Almost from its beginning he was a vital force in it and his contributions to its progress were many."

JACK COHN—"Having started my motion picture career 30 years ago in close association with Carl Laemmle, Sr., I feel qualified to say that Carl Laemmle was directly responsible for the remarkable development of our industry. He had great foresight and unlimited courage. I feel a great personal loss in the passing of Carl Laemmle and was shocked beyond words when I heard of it."

Played An Important Role

A. MONTAGUE—"I was terribly grieved and shocked to learn of the death of Carl Laemmle. It seems that when we refer in discussion or thought to this industry it is always with the opinion that Mr. Laemmle played one of the most important parts in the development of its pioneers. We certainly are all grieved at his passing."

NED E. DEPINET—"Having worked for Universal from its organization until 1924 I had the opportunity to know personally of the great leadership of Carl Laemmle and to respect and admire his undaunted spirit and courage."

EDWARD A. GOLDEN—"I have known Carl Laemmle for over 25 years. In days gone by, when I held the Universal franchise for New England, we were closely associated, and I had a splendid opportunity to observe this dynamic little general functioning as a leader and an independent fighter. He really and truly was the first fighting independent. He stood behind his principles and overcame great obstacles by his determination in pursuit of an ideal. The industry lost a noble champion for independents when he retired, and in his passing, the world has lost a kindly, charitable gentleman."

W. RAY JOHNSTON—"The death of Carl Laemmle marks the passing of one of the great figures of our industry. His career summarizes in many ways the evolution of motion pictures. Although he had retired from active participation in the industry, he has left an unmistakable and lasting impression on it."

Survived Many Crises

WILLARD MCKAY—"Carl Laemmle was one of the truly great men of the motion picture industry. I have known him for 20 years and have always admired him as an able and courageous executive leader. I don't know any man who has successfully come through more crises, business, financial and physical, than did Mr. Laemmle during his career. Only his indomitable spirit made this possible. However, it is as a real friend that I shall miss him most."

JAMES R. GRAINGER—"It is difficult for me to put into words what I feel regarding the loss of the beloved Carl Laemmle. It was my great privilege to have worked for this benevolent gentleman who gave so much to the motion picture industry. I also knew him as a friend, and like others who knew him or felt his influence, will remember him always for the wholesome, kindly and sincere person that he was."

Leaves a Great Heritage

GEORGE W. WEEKS—"The film industry would not have been what it is without the personality of Carl Laemmle. Truly a pioneer, his colorful career and achievements form a vital part of the heritage of all who labor in filmdom."

HARRY L. GOLD—"The birth of the motion picture industry and its subsequent success can be laid squarely at the door of Carl Laemmle—a man, who, for almost 30 years, made his life's work the building of the great amusement industry. Everything we have today, we owe basically to 'Uncle Carl.' Long may his memory be revered in this industry."

L. J. SCHLAIFER — "Carl Laemmle was one of the most beloved men this industry, or any other industry, has ever known. From coast to coast, to thousands of exhibitors—and, in fact, all over the world—the name of Carl Laemmle was a symbol of friendship and fair dealing. He was my personal friend, and I worked with him for many years. His passing leaves this industry minus one of its truly great leaders."

LOUIS B. MAYER—"It is impossible to believe that Uncle Carl has crossed to the Great Beyond. This great pioneer played an important part in the development of our industry. Carl Laemmle was beloved by countless numbers to whom he was so sympathetic and helpful."

HARRY M. WARNER—"The loss of Carl Laemmle was indeed a sad blow to the industry in which he was a pioneer. We shall miss him greatly."

JOSEPH M. SCHENCK—"Passing of Carl Laemmle was a shock and a great loss to the motion picture industry. He was more than a pioneer —he was builder. A kind gentleman, he fought for industry at time when it was weak and shackled and, due to his courage and independence, the fight was won."

SAMUEL GOLDWYN—"Death of Carl Laemmle marks the passing of a true pioneer whose determined spirit reflected his faith in an infant industry. He lived to see that faith justified. His achievements for motion picture business are a monument to the man. Carl Laemmle will always serve as an inspiration to those who follow in his footsteps."

JACK L. WARNER—"Death has removed one of the industry's truly great figures in Carl Laemmle. It is a severe loss to the thousands who knew him and regarded him with deep affection."

JULES LEVY—"Carl Laemmle had the vision of a pioneer and the courage of a builder."

EDWARD A. SMALL—"Few men have contributed so much to any industry as Carl Laemmle, Sr., did to motion picture business. He was a symbol of showmanship because of his uncanny ability to interpret the public desire in the matter of entertainment. Pioneer in a great business, he leaves a rich heritage."

DAVID O. SELZNICK—"The passing of Mr. Laemmle is a source of great sorrow to all who grew up in the picture business and knew him as one of the great and best beloved pioneers."

M. G. SIEGEL—"The influence of this highly respected pioneer of the movie industry will long be felt for he was a leader in work and deed."

French Plan For Starting Of Film Work

(Continued from page 1)

French army. Jean Gabin is in the Marines.

Albert Prejean, another French actor known to American audiences, is a pilot in the last war and is back in the air force. Pierre Blanchard, Fernandel and many other leading players have been mobilized.

West End Theatres Ask For Staggered Openings

LONDON, Sept. 25.—A film trade committee representative of film houses in the West End of London met today and agreed upon a memorandum to be sent to the British Home Office immediately challenging the Government's definition of West End with respect to theatre reopenings.

The theatre group has offered to the Government a plan calling for staggered openings. The theatre interests suggest that the West End area be limited to Piccadilly, Leicester Square and the Strand.

If accepted, the plan would bring about an adjustment of opening hours for West End theatres. Under the plan, half of the houses involved would close at 6 P.M. and half at 10 P.M. This schedule would be maintained for one week, then the process would be reversed, with the first group of houses closing at 10 P.M. and the second group at 6 P.M.

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 46. NO. 61 NEW YORK, WEDNESDAY, SEPTEMBER 27, 1939 TEN CENTS

Sale or Lease Of Biograph's Studio Looms

Bronx Property to Close Down on Saturday

Several proposals have been received from major companies and others for lease of the Biograph studio in the Bronx, which is to be relinquished Saturday by Consolidated Film Industries at the expiration of its lease.

Proposals for purchase of the property have also been discussed, according to a representative of the Actinograph Corp., which owns the studio. Actinograph is a subsidiary of the Empire Trust Co.

Consolidated, through its subsidiary Biograph Corp., operated the studio seven years. In the last two years it has not made much use of it, but has sub-rented it to others.

The studio, one of the oldest in the country, is assessed by the city at $425,000. Consolidated spent a large sum in improving the studio for sound recording and equipment when it took the property over. The equipment is owned by Consolidated, and it is understood will be removed unless a deal is made by a new lessee.

Actinograph acquired the Biograph studio in 1932 under a mortgage.

U.S. Begins Census Of Theatres Jan. 2

WASHINGTON, Sept. 26.—Details of the 1939 census of amusements, to be taken next January, were made public today by the U. S. Census Bureau.

Enumerators going into the field January 2 will visit every theatre, equipped with a form on which they will report, in addition to details of identification, the seating capacity of the house, total 1939 boxoffice collections, amount of amusement taxes collected from customers and paid by the theatre directly to any local, state or federal taxing agency, and details of employment. A separate report will be required for each theatre in the case of circuits.

Details of the 1939 business census, in which it is estimated 50,000 places of amusement will be visited, will be comparable with the earlier canvasses covering 1929, 1933 and 1935. First results of the survey will be made available during 1940, but complete details will not be published until sometime in the following year.

Daily Film Critics in First U.S. Conclave Next March

The Newspaper Film Critics of America, new national organization of motion picture editors and critics of the daily press, have set March 2-4 as the dates for the first national convention.

Merle Potter, film editor of the Minneapolis *Times-Tribune,* will serve as general chairman of the committee to poll the membership on the best pictures and performances of the year. The notification was sent by Harry Marvin of the Memphis *Commercial Appeal,* chairman pro tem of the organization.

Potter has agreed to discontinue his own annual poll, and to assume the chairmanship of the official awards committee for the first year. The organization's planning committee, consisting of Potter, Marvin, Buck Herzog of the Milwaukee *Sentinel,* secretary pro tem; Keith Wilson of the Omaha *World-Herald,* met in Chicago last week.

They worked out a skeleton version of Articles of Association for the organization, which will be presented at the March meeting. They call for the election of a board of governors to be chosen on a regional basis, the board in turn to name the national officers for the year. A temporary board is being selected by appointment of the committee to serve until an election can be held in each region.

Memphis has offered to play host to the March convention, but the committee has deferred a decision until a check of opinion can be obtained.

Trade Chiefs Attend Laemmle's Funeral

LOS ANGELES, Sept. 26.—Final rites for Carl Laemmle, Sr., were held at 12:30 today at Temple B'nai B'rith, with Rabbi Edgar Magnin officiating.

Leaders of the city's professional, business, educational and cultural life; numerous film executives, stars, producers, directors and extra players, down to the humblest who called "Uncle Carl" their friend, crowded the Temple to pay their last respects.

Laemmle was eulogized by Rabbi Magnin as a great humanitarian.

"He was little in stature," he said, "but he was big in spirit; a man whom to know was to love."

Addressing members of the family, he emphasized that they ever would have before them an inspiring memory and that while "his passing is a sad tragedy, his noble life is a treasure to comfort you in your hour of grief and in which you may ever find consolation."

Following the Temple services the body was taken to Temple of Peace Cemetery where private services were held for members of the family. Pending a decision as to a final resting place, the body was temporarily entombed in the House of Peace Mausoleum.

Active pallbearers were David Tannenbaum, Ben Straus, Herman Einstein, Jack Ross, Sam Van Ronkle, Dr. Leland Hawkins, Sam Behrendt and Fred S. Meyer.

Laemmle's will revealed that he left an estate of over $4,000,000 with provisions for his family and requests that his favorite charities be carried on.

Buying Pool Debate By Oklahoma Allied

OKLAHOMA CITY, Okla., Sept. 26.—Eleven members of the Allied Theatre Owners of Oklahoma attended the first annual convention at the Biltmore Hotel today, first day of a scheduled two-day meeting.

Speakers included Col. H. A. Cole, Dallas, president of National Allied; George Miskovsky and William High, state representatives, sponsors of chain tax legislation affecting theatres in the next session of the legislature; Dr. W. B. Bizzell, president of University of Oklahoma, speaking on visual education; Dean Arthur B. Adams, dean of the School of Business, University of Oklahoma, speaking on monopoly in business.

Cole said "You can not correct an evil by using the same methods to fight it," referring to the proposed buying pool suggested for use of Oklahoma exhibitors which was supposed to have been put in use here first and then adopted nationally by the National Allied if successful in Oklahoma.

"The buying pool puts too much power into the hands of one man or a few men," Cole said in warning the organization.

A business session to consider adoption of a constitution, rejection or adoption of the buying pool plan, election of officers and other matters are scheduled to be considered tomorrow morning.

There is some discussion of merging the Oklahoma organization with the Texas Allied because of the lack of interest among Oklahoma independents.

All U.S. Joins In Industry's Gold Jubilee

Programs Next Week to Climax Observance

Observance of motion pictures' fiftieth anniversary will reach a climax next week with local activities having been arranged for all parts of the country. Luncheons, dinners, meetings, radio broadcasts, school, library and club activities are included on the various programs.

Weekend issues of the newsreels will include the visit of Will H. Hays to the Edison laboratories in West Orange, N. J., to pay the industry's tribute to Thomas A. Edison's memory for his invention of the motion picture. The newsreel clips will show the inventor's widow, Mrs. Mina M. Edison Hughes, exhibiting one of the original Kinetoscopes, still in operation, to Hays.

It was the completion of the Kinetoscope on Oct. 6, 1889, that marked the birth of the motion picture. The date has been used as a news peg for theatre advertising and publicity campaigns to attract attention to this season's films after 50 years of motion picture development.

The industry 50th Anniversary committee has available radio scripts containing highlights of film history which may be adapted to local use by inserting reminiscences of film and theatre development in individual communities.

Another radio script has been prepared by Mrs. Malcolm Parker MacCoy, chairman, Department of Motion Pictures, of the N. Y. State Federation of Women's Clubs, for the use of local chairmen.

Elaborate celebrations have been ar-

(*Continued on page 12*)

Silverstone Leaves For Coast Friday

Maurice Silverstone, United Artists chief executive, will leave for the Coast on Friday for conferences with company producers.

Also scheduled to leave New York for the Coast on Friday is George J. Schaefer, RKO president, who will discuss future production plans and studio economies made necessary by the war emergency.

Erich Pommer, whose "Jamaica Inn," starring Charles Laughton, is scheduled to open at the Rivoli following the run of "The Real Glory," also will depart for the Coast on Friday.

B. H. (Before Hitler)

Berlin, Sept. 26.—The *Licht Bild Buhne*, film trade paper, comments on the "foreign film festival" recently put on by the Fifth Ave. Playhouse in New York. The theatre advertised two German films as B. H., meaning "before Hitler."

"Perhaps," says the paper, "American films will soon be tagged A. R. — After Roosevelt."

Selznick Publicity Post for Birdwell

HOLLYWOOD, Sept. 26.—David O. Selznick today engaged Russell Birdwell as publicity counsellor to David O. Selznick, Inc. The deal becomes effective immediately with Birdwell acting as advisor to the present Selznick press staff working under his supervision.

Selznick and Birdwell will meet tomorrow to plan the formation of a permanent publicity staff at Selznick International Pictures. At the same time plans will be formulated to exploit "Gone With the Wind," "Intermezzo" and "Rebecca."

While taking on the Selznick account Birdwell will continue his independent publicity service. Bill Hebert's status as publicity director remains unchanged for the present.

New NBC-Red Serial

"Against the Storm," a new five times a week serial, will start over NBC-Red Oct. 16. The program will be heard for 15 minutes from 5:15 p.m. Procter & Gamble is the sponsor and Compton Advertising is the agency. Sandra Michael wrote the script.

File Appeal on 'Birth'

ALBANY, Sept. 26.—Notice of appeal to the N. Y. Court of Appeals from an adverse three to two decision of the Appellate Division which upheld the censorship ban on "The Birth of a Baby" has been filed by Sam Citron of the American Committee on Maternal Welfare.

Pelham House Closed

Pelham, 500-seat house operated by the Coney Island Motion Picture Corp. in Pelham, N. Y., has closed.

3 Flights Daily
NEW YORK
TO
LOS ANGELES
It's Cool All the Way!
THE PLAINSMAN
Lv. 7:10 A. M Ar. 12:29 A. M.
THE MERCURY
Lv. 5:10 P. M. Ar. 7:43 A. M.
THE SOUTHERNER
Lv. 10:10 P. M. Ar. 1:55 P. M.
Ask your travel agent or phone HAvemeyer 6-5000. Ticket offices: 45 Vanderbilt Ave. and Rockefeller Center at 18 W. 49th St.
AMERICAN AIRLINES Inc.

Purely Personal

W. RAY JOHNSTON, Monogram president, returns to the home office today after completing conferences on production plans at the studio.

•

HERBERT I. ROSENTHAL, general manager of Columbia Artists, Inc., left for Hollywood by plane yesterday for the opening of the ORSON WELLES and ANDRE KOSTELANETZ broadcasts from the Coast on Oct. 2 and Oct. 8, respectively. ROSENTHAL will remain on the Coast for three weeks.

•

JOSEPH BERNHARD, general manager of Warner Theatres, returned to the home office yesterday from Washington, where he conferred with JOHN PAYETTE, zone manager, and his staff.

•

M. A. SILVER, zone manager for Warners, is making a tour of circuit theatres in western New York, planning stops at Jamestown, Batavia, Medina, Olean, Hornell and Elmira.

•

JULES LEVY, RKO sales manager, will leave for Detroit at the end of the week to attend the testimonial there for NAT LEVY, who is being transferred to Philadelphia.

•

PRESTON STURGES, writer, was signed by Paramount yesterday to direct "Down Went McGinty," his own original story for which he will also write the screenplay.

•

KATHLEEN MUNGIVEN, Quigley Publishing Co. receptionist, will be married on Oct. 14 to WILLIAM E. O'CONNELL at St. Michael's Church, Flushing, L. I.

•

TED HUSING and JIMMY DOLAN leave today for South Bend, Ind., preparing for Saturday's broadcast over CBS of the Notre Dame-Purdue football game.

•

MONROE GREENTHAL of United Artists celebrated a birthday yesterday with a trip to Philadelphia in connection with the opening there of "The Real Glory."

•

E. F. BRADY of the Valley Theatres in Texas and MRS. BRADY are in town. MR. and MRS. GEORGE L. THORTON of the Wilder Circuit in Virginia are also here.

•

RALPH PIELOW, M-G-M Albany manager, suffered an injury to his hand recently and is making his calls with his arm in a sling.

ROBERT T. KANE, 20th Century-Fox foreign executive, is scheduled to leave for England by trans-Atlantic Clipper on Saturday.

•

E. A. WILLIFORD, president, Society of Motion Picture Engineers, and NEVILLE MILLER, president, National Association of Broadcasters, are among those who signed a scroll which has been presented to DR. LEE DE FOREST, talking picture and radio inventor.

•

LEIGHTON K. BRILL, assistant for 16 years to OSCAR HAMMERSTEIN, II, has sold a radio script, "One of the Finest," to Young & Rubicam. The program will be sponsored by Gordon's Bread.

•

IRIS BARRY, curator of the Museum of Modern Art Film Library, will be the guest of MARTIN WELDON on the "Seeing Things at Night" program over WINS tomorrow at 12:30 p.m.

•

WILLIAM F. RODGERS, general sales manager of M-G-M, is expected back next week from Chicago where he is working on film deals.

•

J. J. SULLIVAN, Fox West Coast film buyer, is here from Los Angeles on film buying and plans to remain several weeks.

•

WILLIAM A. SCULLY, general sales manager of Universal, returns today from a brief business trip to Boston.

•

NORMAN H. MORAY, Warners' shorts sales head, plans to leave for the Coast early in October.

•

JACK L. WARNER, vice-president of Warners, is due in New York in about three weeks for conferences.

•

JACK LEVEL of the RKO publicity department has celebrated another birthday.

•

CONNIE KREBS of the RKO studio publicity department is visiting here.

Shirley Temple Air Debut for Charity

HOLLYWOOD, Sept. 26.—Shirley Temple will make her first radio program appearance on the Screen Guild show, to be broadcast over a nationwide hookup on Christmas Eve, according to Jean Hersholt, president of the Motion Picture Relief Fund, and James Roosevelt, member of the fund's executive committee.

The program will be broadcast from here on Dec. 24 at 4:30 P. M. Shirley's parents and 20th Century-Fox, for whom she is under contract, heretofore have refused all offers for the child to appear on the radio. It is expected that Shirley will sing and may do a scene from "The Blue Bird," the Maurice Maeterlink play in which she is now working.

Serlin Will Open B'way Play Nov. 8

Oscar Serlin will open "Life with Father," a dramatization by Howard Lindsay and Russel Crouse of the Clarence Day book, on Nov. 8 at a theatre not yet selected.

Serlin returns to Broadway production after an absence of nine years, during which he was head of Paramount's talent department and a co-producer with Selznick International. Leading roles will be played by Howard Lindsay and Dorothy Stickney.

Paramount to Keep 'Bali' Three Weeks

"Honeymoon in Bali," after clicking with an estimated $61,000 for the first week at the Paramount, will be held there for three weeks. It starts its second week today, and will be followed by "What a Life" which will open at the Paramount on Oct. 11.

"Parents on Trial" grossed poorly at the Globe with an estimated $3,100. The 19th week of "Goodbye, Mr. Chips" brought an estimated $8,000 at the Astor.

Philadelphia Facing Dual Warner Bills

Warner circuit is seriously considering the adoption of double bills in Philadelphia, as a result of insistence on the policy by independent neighborhood operators in competition with the major circuit.

While the plan is still tentative, Warner executives are considering abolishing single bills in favor of duals at neighborhood houses and some of the smaller central city theatres playing one and two-day runs.

Joseph Bernhard, president of Warner Theatres, conferred on the situation in Philadelphia with Ted Schlanger, zone manager, this week. A probable change in policy will be further discussed when Schlanger meets with Bernhard here next Tuesday.

Warners, while double billing in many sections of the country, has only on rare occasions played twin bills in Philadelphia, where it is the dominant circuit. This has been confined to the small neighborhood houses.

The circuit in Philadelphia does not have so-called previews. It frowns on premiums and cash games, although the rule is not so strict in this respect.

"We have consistently tried to stay in the motion picture business," a circuit executive said. "Philadelphia enjoys the reputation of being the greatest single feature territory in the country."

A change in Philadelphia policy has been under discussion for some time as a result of the independents' adherence to dual billing. About two years ago Warners had the matter up with leading independents in the city.

Charity Show Posts To Piermont, Albert

Sidney Piermont of Loew's was appointed stage manager of the "Night of Stars" and Don Albert of WHN was named musical director of the event, at a meeting of the producing committee yesterday in the office of Marvin H. Schenck of Loew's.

They will prepare plans for the affair which will take place at Madison Square Garden Nov. 15 for the benefit of refugees.

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MONDAY and TUESDAY

OCTOBER 2 and 3

(Date set locally by each exhange)

GALA THEATRE PREVIEWS OF

HOLLYWOOD CAVALCADE

FOR LEADING EXHIBITORS IN EVERY EXCHANGE CITY OF THE U.S. AND CANADA

All seats reserved! Admission by invitation only!

HAVE YOU MADE YOUR RESERVATIONS?

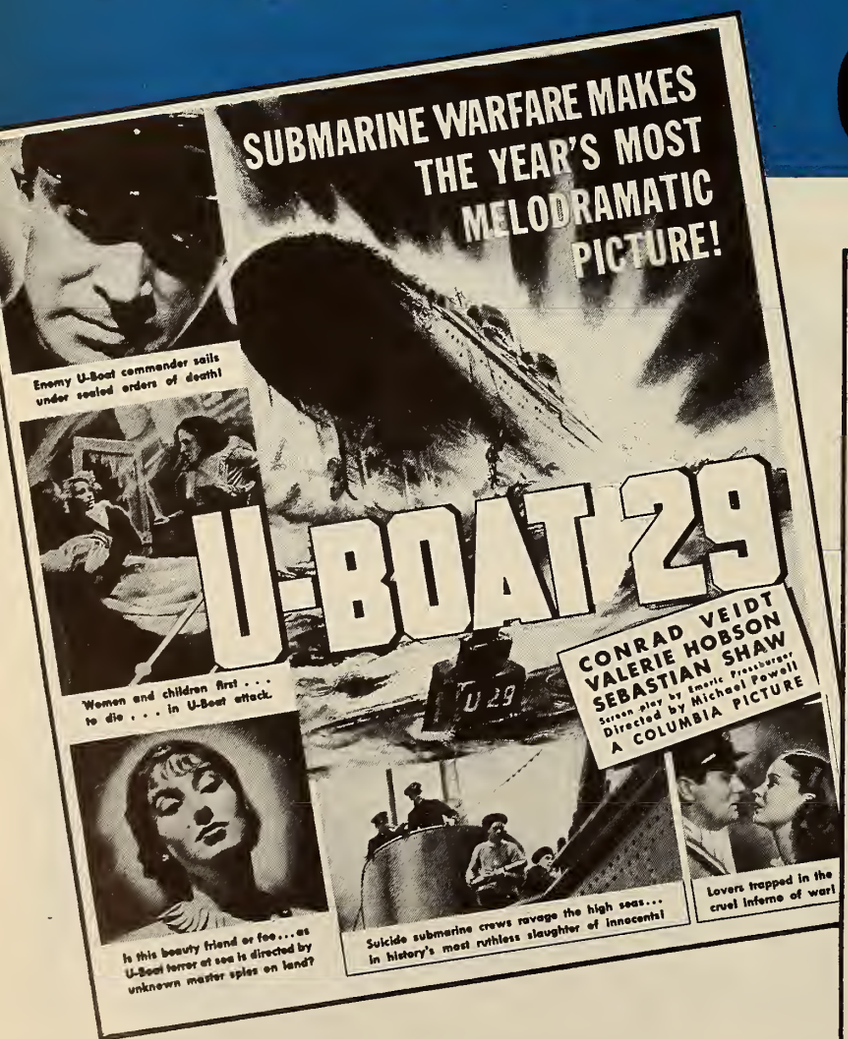
20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

U-BOAT

NOT A RE-ISSUE....

THERE CAN BE NO DOUBT
THE GREAT BOX-OFFICE
OF "U-BOAT





These are the hard selling ads that were used in Hartford and Albany ... They are in the press book!

Produced by IRVING ASHER
A COLUMBIA PICTURE

29 CAPTURES SEATTLE!..

NEW PICTURE!

NOW ABOUT POSSIBILITIES 29"!

Flash from

SEATTLE...

Liberty Theatre reports:

"'U-BOAT 29' brought in biggest business theatre has done in many weeks... Strength of business gives every indication picture is natural hold-over!"

You already know about HARTFORD and ALBANY but just to remind you...

LOU GOLDING . . .

Grand Theatre, Albany, New York

Says: "It is everything Columbia said about it!"

GEORGE LANDERS

E. M. Loew Theatre, Hartford, Conn.

Says: "One of the best showman's pictures ever made. Its box-office is assured!"

SI FABIAN. . . . .

of Fabian Theatres

Says: "'U-BOAT 29' is tremendous success at Grand Theatre, Albany. It is a sure box-office hit...warrants the top billing spot and the campaign we gave it!"

COLUMBIA PICTURES

SMART SHOWMEN ARE RUSHING DATES!

Foresee No New Tax Laws Next Session

WASHINGTON, Sept. 26.—Indications that there may be no new tax legislation enacted at the next regular session of Congress were seen here tonight in the disclosure by Representative Doughton of North Carolina that after a series of conferences his tax subcommittee had decided to postpone indefinitely its consideration of revenue revision.

Original plans were for the group to meet well in advance of the coming session to hold hearings and write a new tax bill for enactment before March 15. The Treasury during the past several weeks has been holding closed conferences with business men on the subject of rate revisions.

The action of the Ways and Means Committee members to defer the matter is seen as reflecting a belief that war conditions abroad may so stimulate business here as to make revision of taxes unnecessary.

'Bachelor' $5,500 In Oklahoma City

OKLAHOMA CITY, Sept. 26. — As midsummer heat continued with no sign of rain, grosses suffered. "Bachelor Mother" took $5,500 at the Criterion, as grosses sagged generally.

Estimated takings for the week ending Sept. 21:

"Bachelor Mother" (RKO)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,500. (Average, $5,200)
"The Saint in London" (RKO)
"Stronger Than Desire" (M-G-M)
LIBERTY—(1,200) (15c-20c-25c) 4 days. Gross: $1,800. (Average, $1,800)
"News Is Made at Night" (20th-Fox)
"Career" (RKO)
LIBERTY—(1,200) (15c-20c-25c) 3 days. Gross: $700. (Average, $700)
"Blackmail" (M-G-M)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $3,800. (Average, $4,200)
"Four Feathers" (U.A.)
PLAZA—(750) (25c-35c-40c) 7 days. 2nd week. Gross: $1,000 (Average, $1,100)
"Hidden Power" (Col.) 3 days
"I Was Made a Convict" (Rep.) 3 days
"A Woman Is the Judge" (Col.) 4 days
"Sky Patrol" (Mono.) 4 days
STATE — (1,100) (15c-20c-25c) 7 days. Gross: $2,600. (Average, $2,500)
"The Adventures of Sherlock Holmes" (20th-Fox)
TOWER — (1,000) (25c-30c-35c) 7 days. Gross: $1,500. (Average, $2,000)

Sylvia Frisch to Be Married on Oct. 8

Sylvia Frisch, daughter of Mr. and Mrs. Louis Frisch, will be married to Dr. Theodore Barnett at the Eighth Avenue Temple, Brooklyn, on Oct. 8. A reception will follow the evening wedding.

Frisch is head of Randforce Amusement Corp., with Samuel Rinzler. The circuit operates a number of theatres in Brooklyn.

Resume School Series

"This Living World," one of five of the series of "American School of the Air" will originate from 24 New York City high schools when CBS resumes the program Oct. 13. The program is heard Fridays from 9:15 to 9:30 a.m. and is rebroadcast later for western stations. It is expected that 50,000 high school students will see the program produced.

New York Review

"The Challenge"

(Denham Films-Film Alliance of the U. S.)

A thrilling story of one of man's most outstanding exploits, "The Challenge" tells the tale of the scaling of the Matterhorn, highest peak in the Alps. It is a gripping adventure, full of danger, courage and the intrigue of nations seeking the first honors.

Alpine scenes of the climbing parties are breath-taking in their splendor—indeed, the film is marked throughout by magnificent camera technique. Each measured step, the occasional but extremely dangerous slips, the desperate seeking for a foothold, are picked up by the camera with a realism likely to hold any audience tense.

The story starts with the meeting of Robert Douglas, a mountain climbing Englishman, and Luis Trenker, an Italian guide. After one unsuccessful venture up the side of the Matterhorn, both pledge themselves to make another try the next year. Meanwhile, a national movement starts in Italy to have one of their own countrymen as the first to conquer the highest peak.

Douglas and Trenker decide to stick together, despite their conflicting loyalties, but each is tricked into believing that the other has gone with his own country's party. As a result, Douglas leads an English group to victory while Trenker arrives a few moments later with the astonished Italians. On the descent, four of Trenker's party are killed and he is accused of deliberately cutting the ropes which bind the party together.

Trenker's portrayal of the Italian guide is a fine character study, although the burden of carrying the romantic interest would probably have rested better on Douglas. Joan Gardner is Trenker's sweetheart and she is the one who effects a reunion of Trenker and Douglas after their race to the top of the peak. Supporting roles by Mary Clare, Cyril Smith and Fred Groves lend much flavor to the plot.

Credit for co-direction of the Alpine scenes also goes to Trenker. The screenplay was written by Emeric Pressberger, and the scenario by Patrick Kirwan and Milton Rosmer. Rosmer also directed. Unstinted praise for the camera work goes to George Perinal.

Running time, 65 minutes. "G."* EDWARD GREIF

*"G" denotes general classification.

Invasion of Privacy Upheld as Suit Basis

SAN FRANCISCO, Sept. 26.—Decision upholding the right of an individual to sue broadcasting concerns and program sponsors, for invasion of privacy, has been handed down in Federal court here by Judge A. F. St. Sure.

Judge St. Sure refused to grant the motion of Rio Grande Oil Co., sponsor of "Calling All Cars" skits on CBS western stations, to dismiss the action of Howard Mau, chauffeur, for alleged unauthorized use of his name in recreation of a holdup in which he was badly wounded two years ago.

Retitle Corwin Short

Norman Corwin's radio play, "They Fly Through the Air with the Greatest of Ease," will be known as "Bomber No. 6" when released by Warners as a two-reel film in color. Production is to start shortly. The play treats sardonically of the bombing of civilians. Another Corwin script, "The Revolt Against Christmas," produced by CBS last year, is being considered for film production.

Manage K.C. Auditorium

KANSAS CITY, Sept. 26.—City Manager Eugene C. Zachman has appointed a board of eight men to manage the Municipal Auditorium. While there is a druggist, a merchant, an insurance agent, a real estate man, a hotel owner, and a street car executive on the board, there is no one from the entertainment field represented, though this was strongly urged.

Golden Addresses W. Va. ITO Meeting

CLARKSBURG, W. Va., Sept. 26.—The "little fellow" in business must not be destroyed and must be encouraged to carry on, Edward A. Golden, Monogram vice-president, declared here today as the chief speaker at the convention of the Independent Theatre Owners of West Virginia, meeting at the Waldo Hotel.

"You as independent exhibitors and we as producers who represent the independent interest have much in common and it is time for us to take stock of our individual positions," continued Golden. "As members of an organization, you have left too much for your leaders to do. I have seen those leaders work and I know what they can accomplish for your good when they have your support.

Daniel Davis was chairman of the convention committee. Officers are: R. J. Hiehle, president; R. D. Marks, vice-president, and Garland West, treasurer.

Name Series Announcers

The seven announcers who will broadcast the World Series games for Gillette Razor Co. have been announced by J. P. Sprang, Jr., president of the company. They are Grantland Rice, Edwin C. Hill, Gabriel Heatter, Stan Lomax, Red Barber and Bob Elson. Barber and Elson will give the play-by-plays of each game. Rice, Thomas, Hill and Heatter will supply the color commentaries, each appearing in a different game of the series, while Lomax will do the commercials.

Theatre, Personnel Notes

Brooklyn Majestic Closed

The Majestic, Brooklyn, which was taken over by John Head and operated recently as a combination motion picture and vaudeville house, closed after two days on a continuous performance policy. No performances were scheduled for Sunday, when the Majestic has an Italian stage show each week, but the house remained closed on Monday and Tuesday.

Renew Altec Contracts

Lincoln Theatres, Inc., and King Coal Theatres, Inc., of Marion, Va., have renewed Altec service contracts on six theatres and have made contracts for Altec to service two additional houses. E. C. Shriver and A. Fiore negotiated for Atec.

Open Pittsburgh House

PITTSBURGH, Sept. 26. — After a postponed resumption of first run showings, the Art Cinema has returned to a foreign film policy, after a summer of reissues, with Elisabeth Bergner's "Stolen Life." Gabriel Rubin, Art Cinema owner, also reopened the Penn Square in Cleveland, with a foreign film policy.

Pittsburgh Barry Closed

PITTSBURGH, Sept. 26.—After having reopened four weeks ago, following a three months' summer closing, the Barry has closed again, following notice given to Manager Manuel Greenwald and the house staff by the Skirboll Brothers, of Cleveland, operators.

Century Circuit Changes

Century Circuit has made the following shifts: Jack La Reaux to the Huntington at Huntington, Long Island; E. Friedman to the Globe, Freeport; E. Freiberger to the Fantasy, Rockville Center; Fred Brunelle to the Queens, Queens Village; Walter Smith to the Bliss, Long Island City; Leonard Freund to the Kingsway, Brooklyn; William Applegate, Jr., to the Patio, Brooklyn, and R. Tretler to the Marine, Brooklyn.

Opens Albany House

ALBANY, Sept. 26.—Bernie Mills, formerly Republic exchange manager here, has taken over the Scotia and renovated the building. The theatre has reopened with Sam Milberg, who was a salesman for Republic under Mills, as manager.

Heads Buffalo Orchestra

BUFFALO, N. Y., Sept. 26.—Johnny Lyons, Buffalo orchestra director, has been chosen to conduct the new orchestra at the Twentieth Century Theatre here.

Cantor on Tour

Eddie Cantor and most of his company from last season's Camel radio show are scheduled to play Loew's Metropolitan in Brooklyn late next month. Cantor is now touring the East and will play in upstate RKO theatres before coming to New York.

'Mexico' Hits Frisco Lead With $21,000

SAN FRANCISCO, Sept. 26.—"Girl from Mexico" drew an excellent $21,000 at Golden Gate, followed by $17,000 for "The Rains Came" at the Fox. Business was better than average generally, with "The Under-Pup" pairing with "Hawaiian Nights" to draw $10,500 at the Orpheum.

Estimated takings for the week ending Sept. 19-22:

"Girl From Mexico" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Vaudeville. Gross: $21,000. (Average, $15,000)
"The Under-Pup" (Univ.)
"Hawaiian Nights" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days. Gross: $10,500. (Average, $8,000)
"Beau Geste" (Para.)
"Night Work" (Para.)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days. 3rd week. Gross: $5,200. (Average $6,000)
"The Rains Came" (20th-Fox)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: $17,500. (Average, $16,000)
"The Old Maid" (W. B.)
"Terchy Plays with Dynamite" (W. B.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $12,000. (Average, $11,500)
"Four Feathers" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 4th week. Gross: $6,300. (Average, $8,000)
"Blackmail" (M-G-M)
"Should Husbands Work?" (Rep.)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $10,000. (Average, $12,000)
"Son of a Witch" (Harry Thomas)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $1,200. (Average, $1,000)
"Stolen Life" (Para.)
CLAY—(400) (15c-35c-40c) 7 days, 3rd week. Gross: $900. (Average, $1,000)

'Avenue,' Goodman $23,200 in Buffalo

BUFFALO, Sept. 26.—"Fifth Avenue Girl" drew an unusually strong $23,200 in a generally good week here. The film played together with a personal appearance of Benny Goodman and his orchestra. "Blackmail" and "These Glamour Girls" brought $7,800 to the Great Lakes.

Estimated takings for the week ending Sept. 23:

"Fifth Avenue Girl" (RKO)
BUFFALO—(3,000) (30c-55c) 7 days. Stage show. Gross: $23,200. (Average, $12,000)
"Blackmail" (M-G-M)
"These Glamour Girls" (M-G-M)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $7,800. (Average, $7,500)
"The Star Maker" (Para.)
"The Saint in London" (RKO)
HIPPODROME—(2,500) (25c-40c) 2nd week. Gross: $5,400. (Average, $6,800)
"Girl From Rio" (Mono.)
"Smuggled Cargo" (Mono.)
TWENTIETH CENTURY—(3,000) (15c-20c-25c) 7 days. Gross: $2,800. (Average, $5,200)
"The Under-Pup" (Univ.)
"The House of Fear" (Univ.)
LAFAYETTE—(3,300) (25c) 7 days. Gross: $6,300. (Average, $6,300)

A. G. V. A. Signs 900

SAN FRANCISCO, Sept. 26.—More than 900 of the old members of the American Federation of Actors here have signed with the American Guild of Variety Artists, new union. The heaviest enrollment is from exposition shows, including 200 in the cast of "Cavalcade of the Golden West," and 70 from Clifford Fischer's "Folies Bergere." Many night clubs have signed. Total A. F. A. membership was about 2,000.

Red and the Blue

Cincinnati, Sept. 26.—Natives were mystified all last week by scores of girls walking nonchalantly along downtown streets, each wearing a red or blue dress with raised umbrella to match. They displayed no signs, and "refused to be interviewed" when questioned. The secret broke Saturday when signs were painted on the umbrellas announcing that WLW and WSAI would begin to carry NBC Red and Blue programs Sunday.

$12,300 Kansas City 'Rains Came' Gross

KANSAS CITY, Sept. 26. — "The Rains Came" drew $12,300 at the Esquire and Uptown. "In Name Only" and "Five Came Back" gave the Orpheum $9,700.

Estimated takings for the week ending Sept. 19-21:

"The Rains Came" (20th-Fox)
ESQUIRE—(800) (25c-40c) 9 days. Gross: $5,200. (Average, 9 days, $3,600)
"They Shall Have Music" (U. A.)
"A Woman Is the Judge" (Col.)
MIDLAND—(4,000) (25c-40c) 6 days. Gross: $5,700. (Average, 6 days, $10,000)
"In Name Only" (RKO)
"Five Came Back" (RKO)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $9,700. (Average, $5,000)
"Beau Geste" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days, 2nd week. Gross: $4,200. (Average, $7,000)
"Quick Millions" (20th-Fox)
TOWER—(2,200) (25c) 7 days. Stage: Kenny & Burke, Bob Hall, Bud & Sis Roberts, Don Harris. Gross: $4,500. (Average, $5,000)
"The Rains Came" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 9 days. Gross: $7,100. (Average, 9 days, $4,300)

Indianapolis Gives 'Folies' Big $14,000

INDIANAPOLIS, Sept. 26. — "Folies Bergere" on the stage and "Hawaiian Nights" on the screen brought best gross of several months to the Circle, $14,000. The Indiana, reopening after its summer vacation, did $7,000 for "In Name Only" and "The Spellbinder."

Estimated takings for the week ending Sept. 22:

"Beau Geste" (Para.)
APOLLO—(1,100) (25c-40c) 7 days, 2nd week. Gross: $2,100. (Average, $2,500)
"Hawaiian Nights" (Univ.)
CIRCLE—(2,800) (25c-40c) 7 days. Stage: Folies Bergere. Gross: $14,000. (Average, $6,000)
"In Name Only" (RKO)
"The Spellbinder" (RKO)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $7,000. (Average, $5,000)
"The Man in the Iron Mask" (U. A.)
"Clouds Over Europe" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $7,000. (Average, $7,000)

Novelist to Hollywood

Taylor Caldwell, author of "Dynasty of Death," has left her home in Buffalo for Hollywood, where she will collaborate with Sheridan Gibney on the screen treatment of her book. Walter Wanger, producer of the film, expects to place "Dynasty of Death" before the cameras in about three months. It will be released by United Artists.

New Title for Comedy

"The Honeymoon's Over" is the permanent title for Twentieth Century-Fox's new comedy which was filmed as "The Simple Life."

Newsreel Parade

Ample footage depicting war activities in England is on view in the new issues. The neutrality situation in America is also covered. The reels and their contents follow:

MOVIETONE NEWS, No. 5—Events in England: King and Queen inspect shipping; Queen visits hospital; Duke of Windsor enters service; survivors of the *Courageous* arrive home; volunteers in training; women operate bus lines; blackout styles, and army boxing matches. French troops leave for frontier. Legionaires convene in Chicago. Roosevelt at Hyde Park. Floods in China. Polo at Long Island. Lew Lehr.

NEWS OF THE DAY, No. 203—British troops leave for front. London in air raid drill. King and Queen visit ships. Survivors of *Courageous* return to England. French move forces to front. Neutrality issue in America. Fashions. Polo at Long Island.

PARAMOUNT NEWS, No. 8—Jitterbugs at World's Fair. War mothers pray for peace. French troops take battle positions. Nazis take Polish prisoners. Pan American conference at Panama. Legion convention in Chicago. Johnson and Pittman discuss arms embargo.

RKO PATHE NEWS, No. 20—Pan American conference at World's Fair. Pan American conference at Panama City. British troops move to join Allies. French troops leave for front. President's mother celebrates birthday. Pittman and Johnson on arms embargo. Jittering parade on Broadway. Open polo title match.

UNIVERSAL NEWSREEL, No. 809—French troops to front. Pan American conference at Panama. Pittman explains new neutrality law. Liners risk submarine attack. Heat wave in California. American Legion convention. Auto race in Massachusetts. Boy swims Hudson River. Stunt driving in Trenton.

Takes WQXR Program

Gambarelli and Davitto, on behalf of Italian Swiss Colony California Wines, is sponsoring "Music to Remember," 25-minute program of recorded classical music over WQXR, heard from 6 to 6:25 P.M., Monday through Saturday.

Appeal Theatre Case

DURHAM, N. C., Sept. 26.—An appeal has been taken to the North Carolina Supreme Court in the case in which the city is being sued to prevent the lease of the Carolina Theatre, built with public funds, to a private motion picture company.

Oomph Girl Gives Chicago a Thrill

Chicago, Sept. 26. — Ann Sheridan's "oomph" was one of the biggest things in the American Legion convention parade here today. The Warner player rode at the head of the procession in open car, and it was all the police could do to protect her when the spectators broke through the lines. She arrives in New York tomorrow and will appear at the Broadway Strand beginning Oct. 6.

Pioneers Will Attend 'Cavalcade' Showing

Members of the Motion Picture Pioneers, Inc., men who have served 25 years or more in the industry, have been invited to the trade showing of "Hollywood Cavalcade," 20th Century-Fox color film, at the Ziegfeld next Tuesday morning.

The screening is one of 37 being held simultaneously at 20th Century-Fox exchanges throughout the country. Leading exhibitors in this territory, newspaper and magazine writers and radio commentators also have been invited to Tuesday's showing.

Halt Canada Newscast

TORONTO, Sept. 26.—Due to restrictions on account of the emergency measures adopted by the Canadian Broadcasting Corp., the Toronto *Globe and Mail* has discontinued permanently the newspaper's newscasts twice each day over local Station CFRB. CFRB is privately-owned and one of the largest stations in the Dominion.

WOSU Wins Grant

COLUMBUS, Sept. 26.—U. S. Office of Education, at Washington, has given a grant of $8,780 to WOSU, Ohio State University station, to carry on a Federal radio project started last year. Approximately eight persons will be employed to find new applications for radio in education, according to Robert C. Higgy, station director.



Held

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RADIO CITY

BUSINESS SENSA

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the most lavish critical praise eve
shocked the world is all set for m

ANNA NEAGLE *in her first Hollywoo*

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MUSIC HALL

TIONAL! . . . First four days
NE shooting up into that charmed
Hailed by a nation-wide chorus of
accorded a picture, this story that
e big openings this week and next!

RKO RADIO PICTURES

ppearance as "NURSE EDITH CAVELL"

ANDERS • MAY ROBSON • ZASU PITTS

WARD • ROBERT COOTE • *Produced and Directed by* HERBERT WILCOX • *Screen Play by* Michael Hogan

'The Women' Hub Winner With $27,800

BOSTON, Sept. 26.—Best bet was "The Women," dualing with "The Man They Could Not Hang" at Loew's State and Orpheum. The bill took a total of $27,800 in five days, $11,500 and $16,300, respectively "When Tomorrow Comes" and "The Adventures of Sherlock Holmes" drew $21,000 at the Keith Memorial.

Estimated takings for the week ending Sept. 20:

"Flirting With Death" (Imp.) (3 days)
"A Woman Is the Judge" (Col.) (3 days)
"Second Fiddle" (20th-Fox) (4 days)
"The Saint in London" (RKO) (4 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross: $9,000. (Average, $8,000)
"When Tomorrow Comes" (Univ.)
"The Adventure of Sherlock Holmes" (20th-Fox)
KEITH MEMORIAL — (2,907) (25c-35c-40c-55c) 7 days. Gross: $21,000. (Average, $14,500)
"Beau Geste" (Para.)
"Quick Millions" (20th-Fox)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days, 2nd run. Gross: $9,000. (Average, $7,500)
"Beau Geste" (Para.)
"Quick Millions" (20th-Fox)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days, 2nd run. Gross: $5,500. (Average, $4,500)
"The Old Maid" (W. B.)
"Torchy Plays With Dynamite" (W. B.)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $20,600. (Average, $14,500)
"The Women" (M-G-M)
"The Man They Could Not Hang" (Col.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 5 days. Gross: $16,300. (Average 7 days, $14,500)
"The Women" (M-G-M)
"The Man They Could Not Hang" (Col.)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 5 days. Gross: $11,500. (Average, 7 days, $10,500)
"Four Feathers" (U. A.)
"She Married a Cop" (Rep.)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days, 2nd run. Gross: $5,200. (Average, $4,300)

'Women' Cleveland Leader at $9,000

CLEVELAND, Sept. 26. — "The Women" at Loew's Stillman was the leader here, grossing $9,000. "The Old Maid," moved to the Allen for a second week, made a good showing with $6,000. Business generally was good.

Estimated takings for the week ending Sept. 21:

"The Old Maid" (W. B.)
ALLEN—(3,000) (30c-35c-42c) 7 days, 2nd week. Gross: $6,000. (Average, $4,000)
"Golden Boy" (Col.)
WARNERS' HIPPODROME—(3,800) (30c-55c-42c) 7 days. Gross: $9,000. (Average, $11,000)
"Hawaiian Nights" (Univ.)
RKO Palace—(3,100) (30c-42c-55c) 7 days. Betty Grable and show on stage. Gross: $16,000. (Average, $14,000)
"Beau Geste" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $14,000. (Average, $11,000)
"The Women" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $9,000. (Average, $4,000)

'Society Girl' to Start

"Society Girl," 15-minute dramatic sketch featuring Charlotte Manson, Arthur Vinton, Carlton Young, Gladys Thornton, Katherine Rogers and Arthur Elmer, starts over 43 CBS stations Oct. 9. The program, sponsored by Corn Products, will be heard Mondays through Fridays at 3:15 p.m. Roger White is producing the show and Ted Cott is directing, while David Davidson and Jerome Ross are collaborating on the script.

SHORT SUBJECT REVIEWS

"Captain Spanky's Showboat"

(M-G-M)

Our Gang stages a thrilling melodrama with Alfalfa singing between acts. Butch decides to bully his way into a singing act and causes considerable trouble by going backstage and manipulating the back drops. The melodrama staged by the gang is the real thing, with a mortgage on the homestead, Our Nell making the supreme sacrifice by offering to marry the villain, and all the other fixings. Our Gang really puts it over this time. Running time, 11 mins.

"Ash Can Fleet"

(M-G-M)

With public attention once more focused on submarine warfare, this timely reel should attract wide attention. The "Ash Can Fleet" is, of course, the little fleet of wooden boats that proved so effective against U-Boats in the first World War. The film starts with General Von Hindenburg attributing Germany's defeat to David Bushnell, who pioneered in submarine craft and discovered the depth bomb during the Revolutionary War. Bushnell's early experiments and the later development of the depth charge are explained. Will hold interest throughout and can easily be exploited. Running time, 11 mins.

"The Wrong Room"

(RKO)

First of the Leon Errol comedy series finds the wobbly-legged "Professor" Errol involved in an apparent bigamy. Errol, while returning inebriated from a party, wanders into a newlywed's room by mistake and thinks he has been married again. He hires the groom as his attorney and the resulting comedy of errors produces some hilarious results. Errol's portrayal of a drunk trying to go to bed should bring down the house. Bert Gilroy produced and Lou Brock directed. Running time, 19 mins.

"Cupid Rides the Range"

(RKO)

Ray Whitley with the Six Bar Cowboys sing their way out of jail and into a marriage for Ray. First of the "Ray Whitley Musical Westerns," this reel foreshadows a successful series. Ray falls in love with Lolita Morales, but their wedding is prevented by Lolita's promise to aid her father by marrying an unscrupulous landowner. Ray is jailed on a false charge, but he proves himself innocent. After marrying off Lolita's maid to the landowner, Ray weds Lolita. A tuneful offering. Produced by Bert Gilroy and directed by Lou Brock. Running time, 18 mins.

"Act Your Age"

(RKO)

Edgar Kennedy starts off this season's series with a first rate comedy portrayal of his family difficulties. After hearing his father-in-law's explanation that a man over 40 cannot get a job, Kennedy arrives at his office to see a young man at his desk. Not knowing that the boss has decided to promote him to a more responsible position, Kennedy attempts to prove that he is still young. The windup finds the father-in-law with the better job and Kennedy told to apply for the night watchman's job which he had recommended for his wife's father. High spot in a funny reel is Kennedy trying to lose his bald spot. Bert Gilroy produced and Charles Roberts directed. Running time, 18 mins.

"Blamed for a Blonde"

(RKO)

Attempting to buy a necklace as an anniversary gift for his wife, Roy Atwill is persuaded by a blond salesgirl to purchase a set of aluminum instead. He comes home with his gift but his wife, having learned of the blonde, leaves him. During her absence, the blonde arrives to demonstrate the set. Resulting complications should produce lots of laughs. This is number one of the "Radio Flash" series. Running time, 16 mins.

War Aids Newsreel Theatres' Grosses

Newsreel Theatres, aided by war films, are grossing about 10 per cent ahead of last year, it was learned yesterday. Although it is impossible to gauge the effect at the present time, because only one shipment of actual battle scenes has been received, it is regarded as likely that interest will increase as soon as a steady flow of reels from the front is established.

Newsreel Theatres have abandoned their seasonal custom of shooting their own football game reels. High production costs, with the outlet limited to four houses, was given as the reason for dropping this item.

Three UA Films Set For Broadway Runs

United Artists will have three releases playing major Broadway houses simultaneously early next month. "Intermezzo, A Love Story" will open at the Radio City Music Hall Oct. 5, "Eternally Yours" opens at the Roxy on Oct. 6, and "The Real Glory" is playing a continuous run at the Rivoli.

"Intermezzo, A Love Story" is a David O. Selznick production; "Eternally Yours" was produced by Walter Wanger, and "The Real Glory" is a Samuel Goldwyn film.

Bernie Show Ready

Ben Bernie has returned to New York from a tour to start his CBS radio series for the American Tobacco Co. Resuming the program with Bernie are Mannie Prager and Lou Lehr. Air time for the series is 5:30 to 6 P. M. on Sundays. Lord & Thomas handles the account.

Sign WHN Contracts

Five contracts for spot and station break announcements have been signed by WHN. N. Y. State Bureau of Milk Publicity has taken 26 weeks, Ex-Lax, 14; Sears Roebuck & Co., 28; Professional Service Credit Association, one and Dodge Division of Chrysler Motors, five days.

Radio Personnel Notes

Changes in Cincinnati

CINCINNATI, Sept. 26.—E. C. Krautters, formerly WCKY sales promotion manager, has been promoted to sales manager, succeeding Lloyd G. Vernard, who resigned.

At WKRC, Mike Hunnicut, formerly of WMAL, Washington, and WNOX, Knoxville, has been placed in charge of "The Dawn Patrol," early morning program sponsored by Dow Drug Co. He replaces Al and Lee Bland who go to WCKY to handle a similar program. WKRC has named Jack Edmunds production manager and has engaged Bill Welch as news commentator.

Promoted by U. S. Record

William R. Lewis has been appointed regional sales manager in charge of the Midwest territory by United States Record Corp. Lewis will make his headquarters in Chicago.

Heads WHN Show

Johnny Prentiss is the new chief of the daily WHN "Houseparty" show, replacing Ed East. Prentiss will continue to handle the "Children's Theatre of the Air" program Saturdays.

Manners Leaves WHN

Zeke Manners, who sang two hours of hillbilly tunes over WHN daily, is no longer with the station.

N.A.B. Appoints Cline

William R. Cline, WLS commercial manager, succeeds Craig Lawrence of KSO as chairman of the National Association of Broadcasters sales managers' Committee. Neville Miller, N.A.B. president, will organize an executive committee of the sales managers groups to meet for discussions of cooperation with the Bureau of Radio Advertising and the development of a sales and promotion policy.

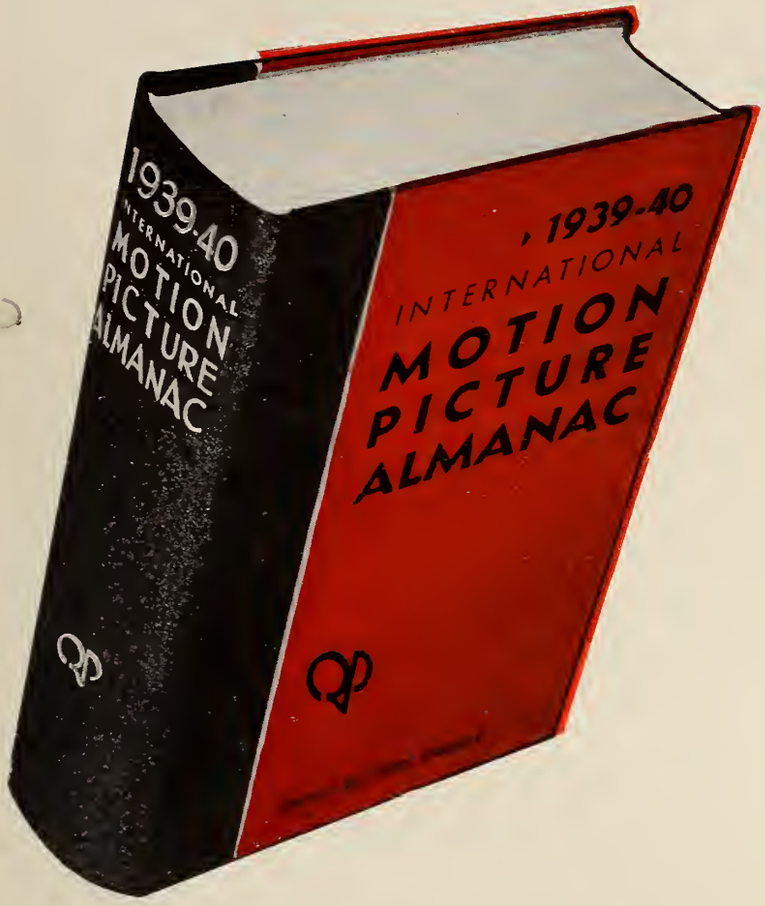
Fred Allen's Show Back on Air Oct. 4

The Fred Allen show, with guest stars and a quiz to be added this year, returns to NBC-Red Oct. 4 at 9 p.m. Continuing on the program will be the Merry Macs, Peter van Steeden and his orchestra, Portland Hoffa, Harry von Zell and the Allen Art Players.

Guest stars will be introduced and interviewed by Allen, and then will take part in a comedy sketch with the Allen Players. The audience quiz will be a burlesque on the current crop of question programs.

Set Bill Stern Show

Bill Stern's "Sports Newsreel" will be heard on the NBC-Blue, on Sunday from 9:45 to 10 P. M., beginning Oct. 8. The program will be sponsored by the Colgate-Palmolive-Peet Co. Prominent figures in the sports world will appear with Stern as guests. The Armchair Quartette will sing at the opening and closing of each program.



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Non-Aryans Under Czech Picture Ban

PRAGUE, Sept. 26.—Freemasons and non-Aryans have been virtually banned from the Czechoslovakian film industry under rules which are correlated with the regulations in force for the German industry.

The Prague Ministry of Trade has promulgated a number of rules covering distribution, exhibition and production. No films can be shown in Czechoslovakian theatres in which a non-Aryan has the leading role. Films in which non-Aryans participate in any form cannot receive the approval of the Film Advisory Board of the Board of Trade, which supervises distribution and exhibition. Such films also will not receive any Government recognition or subsidy.

The same applies to pictures in which known Freemasons have had any hand or connection. Another rule is that stories purchased for film production must be carefully checked by the national culture bureau for elements inimical to Nazi ideology.

In the event any employe fails to follow these regulations, it is provided he shall be discharged as a penalty.

Tobacco Firm Sued Over Piracy of Idea

Complaint charging piracy of the idea of reviving old motion picture shots was sustained yesterday when N. Y. Supreme Court Justice Benvenga denied an application of Liggett & Myers Tobacco and Newell-Emmett Co. to dismiss the suit of Dorothy T. Stone.

Defendants had sought the dismissal, claiming the time to file suit had expired. The plaintiff alleges that in 1930 she submitted a script called "Cinema Souvenirs" which originated the idea of showing old motion picture shots with amusing comments. The defendants contracted with Paramount Pictures to make a number of these shorts for use in advertising Chesterfield Cigarettes without her consent, the complaint asserts.

West End Houses In Protest Today

LONDON, Sept. 26.—The British Home Office tomorrow will receive a deputation representing film theatres in the West End of London, which will protest the restriction on the hours theatres are permitted to remain open.

The Stoll Theatre, included within the designation of West End theatres by the Home Office, has been closed until the ruling requiring theatres to close at 6 P. M. has been abolished.

The Metropole in Victoria, also situated in the West End, and the Gaumont British State Theatre in Kilburn, England's largest theatre, may follow the example of the Stoll.

FCC Hearing Today

WASHINGTON, Sept. 26.—The Federal Communications Commission will hold a hearing tomorrow on the broadcasting application of Dr. Willard Carver, Thomas B. Williams and Byrne Ross for a new 1,420-kilocycle, 100-watt station at Lawton, Okla.

New York Review

"Espionage Agent"

(*Warners*)

As timely as today's headlines, "Espionage Agent" should be jackpot material for the alert showman. Not only is it a story of war and secret agents at work here and abroad, but it gives what purports to be an insight into the operation of the United States Department's Foreign Service School for budding diplomats.

Additionally, and making it especially timely, it uses as its basic theme the necessity of the United States Government protecting itself against the maraudings of espionage agents and sabateurs working inside the United States. Also, it causes its characters at intervals to stress the importance of the United States staying out of the war which, according to the film's story, is about to engulf Europe.

The film opens with atmospheric indication of the kind of sabotage which destroyed American factories, munitions plants and the like in 1915, and points to that as a great object lesson for the United States in 1939. In a word, the film is propaganda material, but encased in an entertainment capsule which is quite palatable.

Joel McCrea, in the lead, is a name of marquee value, aided satisfactorily by Brenda Marshall, Jeffrey Lynn and George Bancroft in particular. McCrea, consulate officer with Lynn in Tangier when the Spanish revolt flares, meets a friendless refugee, Miss Marshall, falls in love with her and marries her when he returns to the Foreign Service School in Washington.

The foreign spies with whom she had become unwittingly involved in Europe force her to aid them again, she reveals the situation to McCrea and he is dismissed. But, with his wife, he returns to Europe, and after considerable action and a measure of suspense, succeeds in uncovering the spy ring, and brings back evidence which persuades Congress to pass legislation necessary to enable the United States adequately to protect itself against espionage.

Lloyd Bacon directed from a screenplay by Warren Duff, Michael Fessier and Frank Donoghue and an original story by Robert Henry Buckner.

Running time, 83 minutes. "G."* CHARLES S. AARONSON

*"G" denotes general classification.

Suit Against Fox Theatres Quashed

Lazfox, Inc., was barred from continuing a $100,000 breach of contract suit against Skouras Theatres Corp., Fox Theatres Corp., and Fox Metropolitan Playhouses, Inc., under an order signed yesterday by N. Y. Supreme Court Justice Church. Lazfox contended in its suit that the defendants had violated an agreement made in 1931 which had awarded it the candy selling concession to the defendants' New England theatres. Justice Church ordered the preclusion when the president of Lazfox failed to appear for testimony before trial.

Business Is Tripled By 'Western Front'

The first two theatres to play Universal's uncensored version of "All Quiet on the Western Front," the Adams, Detroit, and the Rivoli, Toledo, tripled their normal business, according to reports to the company yesterday.

Both houses followed campaigns for the picture presented in a new press book prepared by Louis Pollock, Universal Eastern advertising and publicity manager. More than 100 prints have been ordered to cover all key cities.

Small Signs Vidor

HOLLYWOOD, Sept. 26. — Edward Small has signed Charles Vidor as the director of his forthcoming production of "My Son, My Son," from the novel by Howard Spring.

Republic to Spurn War Films—Yates

HOLLYWOOD, Sept. 26.—Herbert J. Yates, guiding hand of Republic Pictures, declared today that Republic will not bid for the screen rights to any available war stories.

"It is our contention," he said, "that what the world needs today in the way of entertainment is pictures that will take the propaganda-fed minds of the picture-going public off the tense European situation.

"Current Republic plans call for continuation of the program already announced and which features wholesome family entertainment in action, western, comedy and drama fields."

Initial Radio Trade Study Is Prepared

WASHINGTON, Sept. 26.—First of a series of radio trade studies, Vol. 1, No. 1 of "Results from Radio," has been sent to all National Association of Broadcasters member stations by Samuel J. Henry, Jr., of the N.A.B. Bureau of Radio Advertising.

First issue is a four-page leaflet intended for a local sales and promotion aid, which describes department store programs generally and the Rike-Kumler Co. program, "Cornelia on the Air" on WHIO specifically.

'Quiz' Three Years Old

The "Professor Quiz" program heard Fridays over CBS celebrates its third birthday Oct. 6. A special program is planned by Dr. Craig Earl, the "professor."

All U.S. Joins In Industry's Gold Jubilee

(*Continued from page 1*)

ranged for Cleveland, near which Edison and Harry M. Warner were born, and the home town of Clark Gable, Adolphe Menjou, Bob Hope, Leslie Howard, Eleanor Whitney and Anne Baxter.

Beginning on Monday, the main New York Public Library will have on display a large exhibit from the motion picture collection of the theatre division, assembled by George Freedley.

A special poster has been prepared by Walt Disney for Children's Book Week, Nov. 12 to 18, which shows Pinocchio and other characters reading literary classics on which motion pictures have been based. Approximately 20,000 posters will be distributed to book stores, libraries and committees organizing programs for Children's Book Week.

Extend Disc Shows To Local Stations

Blackett-Sample-Hummert is extending the experiment of featuring transcribed rebroadcasts of their CBS and NBC serial programs on local stations. Originally tested over WMCA, and found to be successful, the experiment now is to be extended to other local stations in New York City, and to independent stations outside of New York.

First out-of-town station to be selected by the agency is KXOK, St. Louis. The contract calls for 10 evening hours a week, Monday through Friday, and the schedule is for two solid hours of uninterrupted presentations of transcriptions of the agency's "live" network programs.

Wilcox, Star in Buffalo

Herbert Wilcox, producer, and Anna Neagle, star of "Nurse Edith Cavell," will attend the opening of the film at the Twentieth Century Theater in Buffalo Friday night. Charles Levy of the home office is in Buffalo making arrangements.

M-G-M Signs Huxley

HOLLYWOOD, Sept. 26.—Aldous Huxley, novelist, has been signed by M-G-M to prepare a screen treatment of "Pride and Prejudice." Joseph Fields and Jerome Chodorov also have been signed to writing contracts by the studio.

Sponsor Raymond Swing

Raymond Gram Swing, WOR-Mutual's analyst on international affairs, will be sponsored two days weekly, beginning today, in addition to his three other weekly broadcasts. He will be heard Monday and Friday from 10 to 10:15 P.M., sponsored by the General Cigar Co.

Craven in 'Our Town'

HOLLYWOOD, Sept. 26.—Sol Lesser has signed Frank Craven for the role of the narrator in his film of the Thornton Wilder play, "Our Town." Craven had the same part in the original stage play.

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VOL. 46. NO. 62 NEW YORK, THURSDAY, SEPTEMBER 28, 1939 TEN CENTS

Sam Denbow Resigns Post With F. & M.

Future Plans Unknown; Ex-Paramount Official

Sam Denbow, vice-president of Fanchon & Marco, Inc., has resigned. His future plans are not known.

Denbow, a former Paramount home office theatre executive, has been associated with Fanchon & Marco enterprises for several years.

About two years ago he became an active operations executive for the firm which operates theatres in Los Angeles, San Francisco and St. Louis, in addition to handling the Roxy theatre on Broadway for 20th Century-Fox.

Jack Partington is president of Fanchon & Marco. Other officers are Marco Wolff and Harry Arthur.

Denbow was associated with these men financially and in the operations of the company. His investment in Fanchon & Marco was very substantial. His association with the firm dates to the time of the forming of a trans-continental subsidiary which was later merged with F. & M.

WMCA Heads Deny Violation of Law

WASHINGTON, Sept. 27.—Officials of station WMCA, New York, today admitted that they had broadcast information picked up from foreign radio messages, but denied that any violation of the law was involved, in testifying before the Federal Communications Commission at a hearing on charges that the station had violated the "secrecy" provisions of the radio law.

The hearing developed that during the European crisis in late August and early September, the station subscribed to a *Herald-Tribune* news service to supplement its other sources of material and that the messages complained of were received from the newspaper.

Radiomen employed by the paper admitted that the material had been picked up from German and English messages, but contended it was included in general news and propaganda programs sent out in straight German and English in the international code.

While it was admitted that the messages were picked up, it was denied that they were "decoded" from any secret code or were confidential or private.

Bankers Give Facts As U.S. Grand Jury Opens Coast Probe

LOS ANGELES, Sept. 27.—The Federal grand jury investigation into the existence of alleged income tax evasions and labor racketeering in the motion picture industry opened today.

During the morning session three bank officials, J. M. McLane, Jack R. Holt and F. T. Stimfig, were heard.

Arthur W. Stebbins, nephew of Joseph M. Schenck, and Harland Holmden, international vice-president of the I.A.T.S.E., were on the witness stand in the afternoon. Testimony of Stebbins, an insurance man, and Holmden, who came here from Cleveland on a federal subpoena, occupied most of the afternoon session. Sid Rogell, RKO studio manager, was the other afternoon witness.

Following usual grand jury procedure, no details of the testimony were available. Charles H. Carr, assistant U. S. attorney general who is in charge of the investigation, said that the first phase of the testimony to be presented will deal with income tax matters.

Attorney Fuller Dies

HOLLYWOOD, Sept. 27.—Walter K. Tuller, 52, attorney, died suddenly at his home today. He participated in many famous Los Angeles legal cases, among which was the Fox West Coast bankruptcy-receivership litigaiton. He also represented Paramount at the first N.L.R.B. hearings on the Screen Writers Guild recognition petition and was spokesman for all producer attorneys.

BRITISH FILMS ACT WILL STAY, BELIEF

Projectionist Jobs For French Women

Paris, Sept. 27.—With most of the regular projectionists answering the national call to arms to fight on the Western front, French theatres are having difficulty in reopening. As a result of the shortage of projectionists, film companies are now training women to fill the vacancies.

Okla. Allied Drops Buying Pool, Elects

OKLAHOMA CITY, Okla., Sept. 27.—Allied of Oklahoma was formed today. Theatre owners of Oklahoma elected permanently the temporary officers who have served during the past few organizing months, voted to affiliate themselves with National Allied, elected eight directors to the board, one for each congressional district in the state.

Orville Vongulker, Okeene, was elected president and chairman of board; Sam Caporal, Oklahoma City, vice-president; and C. E. Norcross, Seiling, secretary-treasurer.

Members of the board include E. M. Frieburger, Dewey; Harry Holt,

(*Continued on page 4*)

U. S. Interests Lose Plea; Quotas Facing No Drastic Changes

LONDON, Sept. 27.—Recent moves of the Government, Parliamentary statements and other information have led to the conviction in trade circles here that the Quota Act will not be drastically altered unless a change is demanded by the industry.

It is unofficially but authoritatively understood that American producer-distributor interests recently approached a high Government authority suggesting that it would be advisable to suspend the Films Act, of which the quota provisions are a part, but were told emphatically that such a suspension is highly unlikely.

The intimation that the Government intends no suspension of the Films Act is considered to have been confirmed by a statement of Oliver Stanley, president of the Board of Trade, in the House of Commons and to the British production group, that he does not contemplate any alteration in the situation.

Stanley also pointed out that the provisions of the Quota Act are still in force, and agreed that it is important that the production of British films be maintained.

British income tax assessments on July 1 will increase to 35 per cent, Sir John Simon, Chancellor of the Exchequer, declared in presenting his

(*Continued on page 2*)

"Private Lives of Elizabeth and Essex"

(Warners)

There's a heap of box-office potency in this dramatic play of Good Queen Bess of England and the Earl of Essex, who lost his head because he loved his Queen and England too much.

A gripping love story, the film is distinguished by the brilliance of Bette Davis' performance. Here she adds another sharply etched characterization to her gallery of portraits. And Errol Flynn is properly cast as the swashbuckling, hapless lover. The two are constantly at it in a clash of personalties, ruled by pride and ambition because of which an overpowering love is destined to failure.

For exploitation purposes, exhibitors can slant this for the woman's angle, with an eye for the masculine trade in the contest of British power politics, court intrigue and martial action. In this respect, Flynn is the strong man of England who conquered not only armies but a headstrong woman's heart.

The pageantry is well emphasized in the color, and the entire production denotes a class and finish worthy of one of the big pictures of the

(*Continued on page 8*)

Employes in Rally To Aid Fox Studio

HOLLYWOOD, Sept. 27.—In a revolutionary move, a committee representing all 20th Century-Fox major departments called upon all studio employes to recognize the "existing emergency gravity, the extent of which cannot be accurately determined, and meet the situation without the extremes of blind panic and equally blind optimism."

Called together by Darryl Zanuck, representatives of the departments discussed the crisis and mapped a course for 20th Century-Fox employes to follow in the emergency. The committee issued a statement, part of which follows:

"It would be idle to deny an emergency exists. . . . Some foreign markets have been definitely lost; others are extremely dubious. On the other hand,

(*Continued on page 4*)

Plea to Drop British Films Act Rejected

(*Continued from page* 1)

supplementary war budget to Commons today.

The British Home Office today met with a deputation representing film houses in the West End of London on the problem of reopening and operating hours of theatres. A decision may be forthcoming from the Government office tomorrow.

It is anticipated that the Home Office will agree to the theatre proposal to permit the reopening of 15 news theatres and 12 smaller houses: Staggered operating hours also may be permitted for six selected larger houses in the Leicester Square and Piccadilly area.

At the first meeting since the declaration of war of the general council of the Cinematograph Exhibitors Association today, executive action on the regularization of releases was ratified. D. E. Griffiths, president of the Kinematograph Renters Society (distributors) was thanked for his work as the leader of the film industry joint council in the war emergency.

The meeting favored the abolition of bargain matinee prices. The next meeting of the council has been scheduled for some time in November.

Retitle 'Conflict'

Trans-Atlantic Films will release the French film, "Conflict," in this country as "The Affair Lafont." Picture opens at the Little Carnegie Oct. 6.



★

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Purely Personal

HERMAN WOBBER, WILLIAM SUSSMAN, W. C. GEHRING and WILLIAM KUPPER, 20th Century-Fox sales executives, occupied a luncheon table at Sardi's yesterday, with CLYDE W. ECKHARDT, exchange manager at Chicago, and M. A. LEVY of Minneapolis, S. R. KENT drive leader. ECKHARDT returned to Chicago last night.

•

JACK COHN, ABE MONTAGUE, JACK GOETZ, ABE SCHNEIDER, SAM CITRIN, RALPH POUCHER, PAUL BENJAMIN, HARRY BUCKLEY, ARTHUR MAYER, and A. P. WAXMAN lunching at BOB GOLDSTEIN'S Tavern yesterday.

•

HARRY BRANDT, SIDNEY PHILLIPS, JOSEPH SEIDER, WILLIAM BRANDT, EDWARD SAUNDERS, JOHN HICKS, E. K. O'SHEA and LEE SHUBERT at Nick's Hunting Room in the Astor for lunch yesterday.

•

NED SPARKS, film comedian, will appear as guest star on FRED ALLEN'S air show, "Town Hall Tonight" when broadcasts are resumed Oct. 4 over the NBC-Red.

•

BERNARD HERRMANN, CBS musical composer and conductor, will marry LUCILLE FLETCHER of the CBS publicity department Monday in New York City.

•

ERNEST A. MACKENNA has been appointed Chicago branch manager for Ross Federal Service.

•

CHRISTIAN VAN DER REE, Warner agent in Venezuela, is conferring at the home office.

JOHN LEROY JOHNSTON, director of publicity for Walter Wanger Productions (U.A.), will arrive in New York Oct. 3.

•

GWEN HAGUE, daughter of CLAIR HAGUE, Canadian Universal special representative in Toronto, has won the gold medal for dramatic sopranos in the open Canadian competitions. Last year MISS HAGUE captured the highest award in the class for vocalists 18 years and under.

•

J. J. MILSTEIN, Eastern representative of Edward Small Productions, flies to Hollywood today for conferences with MR. SMALL on his new production, "My Son, My Son!" which goes before the cameras shortly.

•

ERNST LUBITSCH is scheduled to arrive from Los Angeles by plane today. LUBITSCH made the trip East to meet MRS. LUBITSCH, his wife, who arrives tomorrow from abroad on the *Nieuw Amsterdam*.

•

DEWITT ST. CLAIR, owner of a film theatre in Wymore, Neb., was recently married at St. Luke's Episcopal Church here to JEANNE MANSFIELD of Sibley, Ia.

•

ALLAN IRONSIDES of the Toronto branch of Associated Screen News, Ltd., has enlisted in the Royal Canadian Air Force and is already on duty.

•

JOSEPH CALECHMAN, assistant at the Howard, New Haven, and SALLY ESKIN of New Haven have announced their engagement.

•

A. J. BALABAN is in town.

Legion Parade Over, Loop Business Good

CHICAGO, Sept. 27.—Theatre business in the Loop returned to a normal basis today following yesterday's 14-hour American Legion parade which attracted 500,000 persons along the line of march.

Theatres did a heavy business last night for the first time since the arrival of the Legionnaires for their national convention.

W. F. Rodgers and Jack Flynn conferred with Balaban and Katz officials today regarding the release of Metro-Goldwyn-Mayer product here on the franchise agreement which has two more years to run.

Connecticut Allied Election Tuesday

NEW HAVEN, Sept. 27.—Allied Theatres of Connecticut will hold an election luncheon meeting on Tuesday at the HofBrau Haus Restaurant, with Maurice Shulman presiding.

Nominations made at the last meeting include: President, Martin Keleher, Princess, Hartford; A. M. Schuman, Black Rock, Bridgeport, and Charles Repass, Crown, Hartford; vice-president, same nominees and Samuel Hadelman, Capitol, Bridgeport; treasurer, Leo Schapiro, Guilford Theatre; Jack Schwartz, West End, Bridgeport; executive secretary, Lawrence C. Caplan; chairman of board of directors, Maurice Shulman, Webster and Rivoli, Hartford, and Dr. J. B. Fishman, Fishman Theatres, New Haven.

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SHORTEST, FASTEST COAST-TO-COAST

Maj. Warner Host Today at Golf Tourney

Major Albert Warner, co-chairman with David Bernstein of the Amusement Division of the Jewish Federation of Charities, will be host today to members of his 1939 campaign committee at a golf tournament and dinner party to be held at the Old Oaks Golf Club, Purchase, N. Y.

Prizes for the best scores in the tournament will be awarded at the dinner. The following members of the Amusement Committee are expected to attend the party:

Jack Alicoate, David Bernstein, William Brandt, Noah L. Braunstein, Oscar Doob, Simon H. Fabian, Leopold Friedman, Louis Frish, Marcus Heiman, Joe Hornstein, Arthur Israel, Harry Kalchein, Harry Kaufman, William Klein, Abe Kronenberg, Jules Levy, Bud Lytton, Charles Moskowitz, Benjamin B. Moss, Isroy M. Norr, Eugene Picker, Harold Rinzler, Ed Rugoff, Herman Robbins, Marvin Schenck, Fred H. Schwartz, Max Seligman, Sam Shain, Charles Sonin, Harold Rodner, Albert Warner, Milton C. Weisman.

Also, Barney Balaban, Abe Blank, Nate J. Blumberg, Leon Goldberg, Malcolm Kingsberg, Martin Quigley, Walter Reade, Sr., Walter Reade, Jr., Irving Caesar, Samuel M. Forrest, Monroe Greenthal, Louis Nizer, Jack Cohn, Abe Schneider, Jack Goetz, Milton Green, Maurice D. Kann, Joe Katson, Paul N. Lazarus, Paul Moss, and William Sussman.

Ampa Honors Past Presidents Today

Eleven former presidents of Ampa will be guests of honor at the organization's first meeting of the season today at Stouffer's restaurant, Fifth Ave. and 44th St. The luncheon will start at 12:45 o'clock.

The guests will be Arthur James, P. A. Parsons, Paul Lazarus, Sr., John C. Flinn, Glendon Allvine, George Harvey, Edward Klein, Hal Horne, William R. Ferguson, Gordon S. White and Ralph Rolan.

The only ex-presidents not attending will be those residing outside New York.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

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KEEP ON YOUR TOES AND WARNERS WILL KEEP YOU SMILING. THE BIG DRAMA THAT FOLLOWS 'THE OLD MAID' IS BY THE AUTHOR OF 'EACH DAWN I DIE', WITH THE SWEETHEARTS OF 'DAUGHTERS COURAGEOUS'. A BIG SHOW!— A HONEY OF A SHOW! — A MONEY SHOW! IF YOU'VE SEEN IT, YOU KNOW IT! IF YOU HAVEN'T SEEN IT, FOR THE SAKE OF YOUR BOX-OFFICE ARRANGE A SCREENING THIS SECOND OF



JOHN GARFIELD AND PRISCILLA LANE IN 'DUST BE MY DESTINY'!

with ALAN HALE
FRANK McHUGH • BILLY HALOP
Directed by LEWIS SEILER
Screen Play by Robert Rossen • From a Novel by Jerome Odlum
A First National Picture

JACK L. WARNER *In Charge of Production* • HAL B. WALLIS *Executive Producer*

LOUIS F. EDELMAN *Associate Producer*

Construction In Vancouver Not Impeded

VANCOUVER, B. C., Sept. 27.—The fact that Canada is at war may cause postponement of any contemplated theatre construction projects for a while, but it has not caused any cessation of work on a number of projects started in this area prior to the outbreak of war.

Three new theatres are under construction in the province of British Columbia, and a fourth is being rebuilt.

The Varsity Theatre, near the University district in Vancouver, will be ready for opening on Sept. 30. It is being built for A. Wasel at a cost of about $40,000. It will be a 600-seat suburban house.

A. C. Blaine is building a 900-seat house in Kimberley, B. C., for $50,000. This building got under way about a month ago.

H. E. Warren of the Capitol in Port Alberni is spending about $20,000 on a frame building for a 350-seat house in Alberni, lumber mill town of Vancouver Island.

Reconstruction of the Princess Theatre, east end downtown house, is well under way for A. B. Calori, owner. It will have about 670 seats on the main floor, and 200 on the balcony. This project involves the expenditure of about $35,000.

Nearly a year ago Famous Players Canadian Corp. announced their intention of building a new $50,000 suburban house in the South Granville section of this city some time this year. This is the only new proposal that appears to have been shelved, but Canada's participation in war came later than their decision to delay the start of the new house.

Okla. Allied Drops Buying Pool, Elects

(*Continued from page* 1)

Maud; Sam Caporal, Oklahoma City; Orville Vongulker, Okeene; C. E. Norcross, Seiling; and three directors-at-large, A. B. Momand, Shawnee, Jess L. Cooper, Antlers, and Mrs. Juanita Berry, Norman.

Despite scant attendance at yesterday's sessions, the organization went ahead today with permanent organization. Col. H. A. Cole, president of National Allied, personally aided organization proceedings. This morning the constitution and by-laws were adopted unanimously and the name changed from Allied Theatres of Oklahoma to Allied of Oklahoma, Independent Theatre Association.

Basis for dues will be one cent per seat per month with adjustments in rate to be made by the board in cases of large theatres in small towns.

The proposed Oklahoma buying pool was dropped without comment when Colonel Cole advised delegates against going ahead with the plan in state. This will end any such plan nationally by Allied as this proposal was to have been put into effect nationally if proved successful in Oklahoma.

Insider's Outlook

By SAM SHAIN

UNIVERSAL has imparted something of a novel technique to the screen in its reissue of "All Quiet on the Western Front."

A prologue and an epilogue, appropriate to the current European situation, have been added. Also, some peace talk. John Deering, the commentator, does a good job.

Altogether, a stirring document.

THE making of this picture was one of the highlights in the career of Carl Laemmle, whose death the industry mourns. Junior Laemmle produced the film. The New York premiere was one of New York's gala occasions, in 1931.

That night, after the performance, the elder Laemmle visited an old friend, whose office was in the Times Square district, for a moment of reminiscence before meeting a host of invited guests at a special party at the Laemmle apartment.

"What should I do with my boy?" asked Laemmle.

"Judging by that picture, you should leave him alone. He can take care of himself."

And—the elder Laemmle did just that.

Not long after this interview, Junior Laemmle was given the reins of Universal Studio.

LAEMMLE'S last official trade paper interview, as president of Universal, was given in the spring of 1936, shortly after he had concluded the transaction for transfer of his interest in the company to J. Cheever Cowdin and the latter's associates.

He was 69 then—and he said:

"I'm going to take it easy now."

IT was not very long after this that a young man, out of the theatre operating field, took over the helm of Universal. Hardly over a year since that time, Universal, under this young man's direction, has spurted from a losing company to a profitable one. It promises to earn in the neighborhood of $1,000,000 for the year. That young man is Nate Blumberg, president.

THE Broadway stage season pressed forward this week.

"See My Lawyer," a farce with Milton Berle and Teddy Hart, produced by George Abbott, opened last night at the Biltmore. Ezra Stone directed. The authors are Richard Maibaum and Harry Clark. In the cast are Millard Mitchell, Mary Rolfe, Eddie Nugent, Fleming Ward, Carroll Ashburn and Robin Raymond.

"Straw Hat Revue" opens tomorrow at the Ambassador. The show was conceived and staged by Max Liebman. The cast includes Imogene Coca, Danny Kaye, Alfred Drake, James Shelton, Robert Burton, Lee Brody, and Ruthanne Boris.

Maurice Schwartz, of the Yiddish Art Theatre, opens the season tonight with "Salvation," a Sholem Ash play. The cast includes Bertha Gersten, Miriam Riselle, Anna Appel, Isadore Cashier and Mark Schweid.

ONE major company sales head analyzes the code situation and exhibitor agitation in this way:

"Forcing of shorts—well, how could we force shorts when we have a tough enough time selling features.

"The weekly payment plan—we never had any.

"Score charges—we're happy enough to collect our regular film rentals.

"Selective selling—we pay good salaries to our salesmen just to get accounts who will negotiate with us for any kind of run.

"Cancellation—why, exhibitors talk about cancelling our pictures before they buy them. After they buy them, they clamor for adjustments before they even play them. Some exhibitors think that the mere fact that a picture is in the higher percentage bracket is sufficient reason for them to cancel.

"Designated playdates—maybe we ask for them, but do we get them?

"Optional arbitration—if only we can find an exhibitor who is agreeable to it!"

GENIAL Talbot Johns, of the BBDO agency was host to the newspaper lads and lassies at the New Weston, in honor of an absent guest, Paul Sullivan, who couldn't attend because he was in Louisville yesterday, for his Columbia news broadcast.

TODAY, at Old Oaks, with Major Albert Warner, and numerous friends for a round of gold in connection with Federation work.

TO Philadelphia, tomorrow, for the Jay Emmanuel golf tournament.

"HONEYMOON in Bali," according to Bob Weitman, managing director of the Paramount Theatre on Broadway, played to 25,724 persons on Saturday, Yom Kippur holiday, a figure exceeded only by "If I Were King" at that house.

Slash of 30% In Republic's Studio Force

(*Continued from page* 1)

it is possible that a business boom in America will help build up domestic revenue to replace the portion lost abroad. In the meantime it behooves us to make an intelligent study of the facts, thus preparing ourselves to meet every contingency as it arises. Above all we must avoid extremes of blind panic or equally blind optimism.

"We are fortunate that 20th-Fox is in an extremely sound financial position. Mr. Zanuck made it clear that no drastic action is contemplated at this time. He feels with us that a general salary cut is the poorest sort of economy, and should only be undertaken as a last resort. But savings must be accomplished and drastic new economies put into effect. It is to plan savings and economies that this committee has been formed. . . . If we can work together in the crisis, we have better than a good chance of coming through without damage either to the studio or to ourselves."

Republic Cuts Studio Force By 30%

HOLLYWOOD, Sept. 27.—An immediate reduction of personnel in all departments at the Republic Studio was ordered today by President Herbert J. Yates. The order will reduce the normal working force of 250 at the studio by approximately 30 per cent.

The personnel cuts fell heaviest in the music department, secretarial staffs, publicity department and labor gangs.

Up to the present no salary slashes have been ordered, but it is believed that this can be expected momentarily.

According to Yates, these retrenchment moves have been necessitated by war conditions.

High Rentals Studied By Wisconsin I.T.O.A.

MILWAUKEE, Wis., Sept. 27.—Industry problems, including high film rentals and 16mm. film competition, were considered today at the opening session of the I.T.O.A. of Wisconsin convention at the Schroeder Hotel. Final action on these subjects will be taken tomorrow afternoon.

Mayor Intervenes In Ascap Warrants

Mayor LaGuardia yesterday intervened in the two-year-old controversy between Montana broadcasters and officials of Ascap.

He will take up the matter of arrest warrants facing eleven officials of the society and two broadcasting chains with the Corporation Counsel's office.

Among those named were Lenox Lohr, president; Niles Trammel, executive vice-president; A. L. Ashby, general counsel, and John Royal, production director, all of NBC; William Paley, president, and Edward Klauber, executive vice-president, of CBS; Isaac Levy of station WCAU, Philadelphia, and Gene Buck, president; Edwin C. Mills, chairman; John Paine, general manager, and Louis D. Frohlich, general counsel of Ascap, according to Commissioner Valentine.

It'll be SRO with "RIO"

THE THOUGHTS OF THE COUNTRY
ARE TURNING SOUTHWARD...AND
SOUTHWARD LIE THE SCENES OF
THIS SPELLBINDING STORY . . .
Of a fascinating plunderer . . . of
the lady whose fatal beauty sent
him to a tropic penal cell . . . of a
drifting young American who won
the love that the other man had
committed murder to keep!



THE NEW UNIVERSAL
presents

Victor
Basil
RATHBONE and **McLAGLEN**

RIO

with

SIGRID GURIE
ROBERT CUMMINGS
LEO CARRILLO

Billy Gilbert, Samuel S. Hinds, Irving
Pichel, Maurice Moscovich
Ferike Boros, Anne Gwynn





NATIONAL
RELEASE
SEPT. 29th

Directed by JOHN BRAHM

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Aug. 25	Five Little Peppers and How They Grew Riders of Black River	Wizard of Oz *Judy Garland* *Frank Morgan* *Bert Lahr* (G) (C)	Oklahoma Terror (O) *Jack Randall*	Star Maker *Bing Crosby* *Louise Campbell*	Smuggled Cargo *Rochelle Hudson* *Barry MacKay*		Jones Family in Quick Millions *Jed Prouty* (G) (C)			The Angels Wash Their Faces *Dead End Kids* Hobby Family *Irene Rich*
Sept. 1	Konga the Wild Stallion *Fred Stone* *Rochelle Hudson*	The Women *Norma Shearer* *Joan Crawford* *Rosalind Russell*		Death of a Champion *Lynne Overman* *Robert Paige*	Flight at Midnight *Phil Regan*	Conspiracy *Allan Lane* *Linda Hayes*	Adventures of Sherlock Holmes *Basil Rathbone* *Ida Lupino* (G) (D)		The Under-Pup *Nan Grey* (G) (C) Mutiny on the Blackhawk *Richard Arlen* (G) (D)	The Old Maid *Bette Davis* *Miriam Hopkins* (G) (D)
Sept. 8	Golden Boy *Stanwyck* (G) (D) Hidden Power *Jack Holt*	Blackmail *Edward G. Robinson* *Ruth Hussey*		Range War *William Boyd* *Russell Hayden*	Wall Street Cowboy (O) *George Hayes*	Full Confession *Victor McLaglen* Fighting Gringo *George O'Brien*	Charlie Chan at Treasure Island *Sidney Toler* (G) (D)		Desperate Trails (O) The Mikado *Kenny Baker* Hawaiian Nights (G) (C)	Nancy Drew and the Hidden Staircase *Bonita Granville* *Frankie Thomas*
Sept. 15	Outpost of the Mounties *Charles Starrett* *Iris Meredith*	Thunder Afloat *Wallace Beery* *Chester Morris*	Sky Patrol *John Trent* *Jackie Coogan*	Beau Geste *Gary Cooper* *Ray Milland* (G) (D)		The Day the Bookies Wept *Joe Penner* *Betty Grable*	The Rains Came *Myrna Loy* *Tyrone Power* *George Brent*		Two Bright Boys *Jackie Cooper* *Freddie Bartholomew*	Dust Be My Destiny *John Garfield* *Priscilla Lane* (G) (D)
Sept. 22	Those High Grey Walls *Walter Connolly* *Iris Meredith*			$1,000 a Touchdown *Joe E. Brown* *Martha Raye*	Calling All Marines *Donald Barry* *Helen Mack*	Fifth Avenue Girl *Ginger Rogers* *James Ellison* (A) (C)	Stop, Look and Love *Jean Rogers* *William Frawley*	Intermezzo, a Love Story *Leslie Howard* *Ingrid Bergman*	The Witness Vanishes *Edmund Lowe* *Wendy Barrie*	No Place to Go *Fred Stone* *Gloria Dickson*
Sept. 29		Dancing Coed *Lana Turner* *Richard Carlson* *Artie Shaw*	Crashing Thru *James Newill* The Fight for Peace	Honeymoon in Bali *Madeleine Carroll* Range War (O)	The Arizona Kid *Roy Rogers*	Nurse Edith Cavell *Anna Neagle* *Edna May Oliver* (G) (D)	Here I Am A Stranger *Richard Greene* *Roland Young*	The Real Glory *Gary Cooper* *Andrea Leeds*	Rio *Sigrid Gurie* *Basil Rathbone* *Robert Cummings*	A Child Is Born *Gladys George* Espionage Agent *Joel McCrea*
Oct. 6	U-Boat 29 *Conrad Veidt* *Valerie Hobson*	Fast and Furious *Ann Sothern* *Franchot Tone*	Mutiny in the Big House *Charles Bickford*	What a Life *Jackie Cooper* *Betty Field*	Kansas Terrors *Jacqueline Wells* *The Three Mesquiteers*	Everything's On Ice *Irene Dare* *Edgar Kennedy*	The Escape *Kane Richmond* *Amanda Duff*	Eternally Yours *Loretta Young* *David Niven*	Hero for a Day *Anita Louise* *Dick Foran*	Pride of the Blue Grass *Edith Fellows* *Gampry the Horse*
Oct. 13	Scandal Sheet *Otto Kruger* *Ona Munson*	Ninotschka *Greta Garbo* *Melvyn Douglas*		Jamaica Inn *Charles Laughton* *Maureen O'Hara*	Sabotage *Arleen Whelan*	Three Sons *Edward Ellis* *Virginia Vale*	Road to Glory *Fredric March* Hollywood Cavalcade *Alice Faye* *Don Ameche*		Tower of London *Basil Rathbone* Tropic Fury *Richard Arlen*	On Your Toes *Zorina*
Oct. 20	Mr. Smith Goes to Washington *Jean Arthur* *James Stewart*	At the Circus *Marx Brothers*	Riders of Destiny Sagebrush Trail *John Wayne*	Television Spy *William Henry* *Judith Barrett*		Flying Deuces *Laurel & Hardy* *Jean Parker*	Pack Up Your Troubles *Jane Withers* Shipyard Sally *Gracie Fields* *Sidney Howard*	Housekeeper's Daughter *Joan Bennett* *Adolphe Menjou*	Little Accident *Baby Sandy* First Love *Deanna Durbin* Oklahoma Frontier *Johnny M. Brown*	Smashing the Money Ring *Ronald Reagan* *Rosella Towne*
Oct. 27	Beware Spooks *Joe E. Brown* *Mary Carlisle*	Looking After Sandy *Virginia Weidler*	Danger Flight Tailspin Tommy	Disputed Passage *Dorothy Lamour* *Akim Tamiroff*		Allegheny Uprising *John Wayne* *Claire Trevor*	20,000 Men a Year *Randolph Scott* The First World War		Green Hell *Douglas Fairbanks, Jr.* *Joan Bennett*	The Roaring Twenties *James Cagney* *Priscilla Lane*

Paramount Pictures

Book these PARAMOUNT SHORTS when you book your features!

SEPTEMBER 29 Color Classic Cartoon THE FRESH VEGETABLE MYSTERY

SEPTEMBER 29 Symphonic Series THE BLUE DANUBE WALTZ

OCTOBER 6 Headliner TED FIO RITO AND HIS ORCHESTRA

OCTOBER 6 Color Cruise PERU

100% BOX OFFICE tested

'Rains Came' Philadelphia Best, $19,300

PHILADELPHIA, Sept. 27.—"The Rains Came" was tops here at the Stanley, grossing $19,300. Jimmy Durante and Borrah Minevitch's Harmonica Rascals on the stage, with "Hawaiian Nights" as the screen feature, grossed $16,000 at the Earle, while "Fifth Avenue Girl" earned $15,700 at the Fox.

Estimated takings for the week ending Sept. 21:

"The Under-Pup" (Univ.)
ALDINE—(1,700) (32c-42c-57c) 5 days, 2nd week. Gross: $5,500. (Average, 7 days, $8,000)

"The Old Maid" (W.B.)
BOYD—(2,400) (32c-42c-57c) 7 days, 3rd week. Gross: $11,200. (Average, 7 days, $10,000)

"Hawaiian Nights" (Univ.)
EARLE—(2,400) (32c-42c-57c-68c) 7 days (6 days stage). Stage: Program headed by Jimmy Durante and Borrah Minevitch's Harmonica Rascals: Gross: $16,000. (Average, $16,000)

"Fifth Avenue Girl" (RKO)
FOX—(3,000) (32c-42c-57c) 7 days. Gross: $15,700. (Average, 7 days, $13,000)

"Golden Boy" (Columbia)
KARLTON—(1,000) (32c-42c-57c) 7 days, 2nd run. Gross: $3,400. (Average, 7 days, $3,000)

"In Name Only" (RKO)
KEITH'S—(2,200) (32c-42c-57c) 9 days, 2nd run. Gross: $3,650. (Average, 7 days, $3,000)

"The Rains Came" (20th-Fox)
STANLEY—(3,700) (32c-42c-57c) 7 days. Gross: $19,300. (Average, 7 days, $14,000)

"Dust Be My Destiny" (W.B.)
STANTON—(1,700) (26c-32c-42c) 7 days, 2nd run. Gross: $5,500. (Average, 7 days, $4,500)

Cruikshank Dead; Writer and Editor

Herbert Cruikshank, motion picture trade paper editor and writer, died yesterday morning of heart disease at the age of 47 at his home, 25 Central Park West.

Funeral services are scheduled for Saturday at noon from Campbell Funeral Church, 81st St. and Madison Ave. Surviving are his wife, Regina Crewe, former film critic of the New York *Evening Journal;* a daughter, Beatrice, in the publicity department of Universal on the Coast, and a son, Lawrence, a writer for Warners.

UA Fights $250,000 Verdict Against It

United Artists Corp. yesterday asked the Appellate Division of the New York Supreme Court to set aside a verdict of a jury which awarded $250,000, inclusive of interest, against it to William S. and Mary Hart. The high court, after argument, reserved decision. The plaintiffs secured the verdict in the early part of the year on charges that the defendant violated a distribution contract by block booking the plaintiffs' film, "Tumbleweeds," with an inferior picture.

Resume KDKA Show

KDKA, Pittsburgh, "Festival of Music" broadcasts will be resumed over the NBC-Blue Sunday at 1:30 P. M. First soloist will be Mary Martha Briney, operatic soprano, and the orchestra will be under the direction of Maurice Spitalny, KDKA director of music.

Convenient

Cincinnati, Sept. 27.—L. B. Wilson, president and general manager of WCKY, has no first or middle name. This became publicly known when he was interviewed on the station's inauguration of 50,000-watts power.

Wilson's mother died five days after his birth. He was not named until a month later. Following a family consultation, he was named "L. B." The "L" is for Louise, his mother's name, and the "B" came from the initial of his father's middle name, Wesley Berry Wilson.

Theatre, Personnel Notes

Building Ohio Theatre
COLUMBUS, O., Sept. 27.—The F. & Y. Construction Co. here has been awarded the contract for the new 525-seat theatre to be erected at Eaton, O., by Rader Brothers, local circuit operators. The estimated cost is $52,000.

Reduce Film Showings
NEWTOWN, Conn., Sept. 27.—The Edmond Town Hall, operated by the mayor, Arthur J. Smith, as a community project, will reduce picture exhibitions to four-a-week for the winter.

Build in New Haven Suburb
NEW HAVEN, Sept. 27.—Whitney Theatre Corp., a Bailey corporation, has begun construction of a 900-seat brick theatre in the Whitneyville suburb of New Haven. Natale DiFrancesco, former operator of the Annex, has also started to build a 350-seat house in nearby Cheshire.

Remodel Iowa House
ELKADER, Ia., Sept. 27.—The interior of the Tivola Theatre here has been entirely refinished, with new light fixtures installed.

Central Reopens Theatre
FOREST CITY, Ia., Sept. 27.—Central States Theatre Corp., have reopened the Forest Theatre here, following a three-week closing for remodeling. The theatre will operate at popular prices of 10 and 25 cents plus tax.

Reopens Des Moines House
DES MOINES, Sept. 27.—The Tri-States Theatre Corp., on Oct. 5 will open the new 600-seat Ingersoll. It is to be a second-run theatre.

Radio Firm Formed

HARTFORD, Sept. 27.—The Hartford Radio-Television & Appliance Corp. of Hartford has filed certificate of organization, with a later amendment changing the name to the World Radio-Television & Appliance Corp. The president is Edward Slitt, vice-president, Victor Vitale and secretary-teasurer, Amy Vitale, all of Hartford.

Monogram's Sales 20% Higher in U. S.

Monogram's domestic sales for the new season's product are up about 20 per cent over last year, George W. Weeks, vice-president in charge of sales, declared yesterday. A national promotion plan for "Mutiny in the Big House" is being set to coincide with the release date, Oct. 10.

Demands for shipments from Latin American countries have increased almost 50 per cent, Norton V. Ritchie, general manager in charge of foreign distribution, said. Although it is still too early to determine the effect of the war on actual sales, demand for immediate shipment indicates that Latin American exhibitors are uneasy about the continuation of supply from belligerent countries and are stocking up a reserve, Ritchie pointed out.

RKO Hearings Will Resume October 11

Hearings on the RKO reorganization were referred yesterday by Federal Judge Coxe to Judge Bondy who will hold continuation of hearings on Oct. 11 at 3:30 p.m. Atlas Corp., proponent of the plan, is presently considering the possibility of presenting a new underwriting agreement and is attempting to fix a fair price for new common stock, attorneys for Atlas stated after the hearing.

Niland's Mother Dies

CINCINNATI, Sept. 27.—Mrs. Bridget Niland, 77, mother of Peter Niland, city salesman for Columbia, died at her home here. Another son and a daughter survive.

Warners Oomph Girl Is Greeted by 5,000

Yesterday was "Oomph Day" at Grand Central station. Warners' Ann Sheridan, the Omnipotent Oomph Girl, swirled in from Chicago, and police estimated a crowd of 5,000 on hand to welcome her on her first visit to New York. Also on hand were 11 press agents and two dozen reporters and cameramen.

Anti-Ascap Bill Fails in Alabama

BIRMINGHAM, Ala., Sept. 27.—The anti-Ascap measure in the Alabama legislature, which was passed by the Senate without a dissenting vote, failed to get on the House calendar before the legislature adjourned.

The measure is expected to be called up when the legislature reconvenes next June. The bill would require Ascap to charge for its music by the piece and prevents a blanket assessment against radio stations, hotels or other concerns using its music. It also would levy a three per cent annual gross receipts tax on the organization.

Gus Van Testimonial

Gus Van will be presented a plaque signalizing his 30 years in show business, during next Monday night's show at Loew's State, where Van will head the stage bill for a week beginning today. A score of Broadway personalities have been invited to the testimonial ceremony.

AMPA

presents

ARTHUR JAMES
P. A. PARSONS
PAUL LAZARUS, SR.
JOHN C. FLINN
GLENDON ALLVINE
GEORGE HARVEY
EDWARD KLEIN
HAL HORNE
BILL FERGUSON
GORDON WHITE
RALPH ROLAN

in

"PAST PRESIDENTS' DAY"

or

"Follies of 25 Years"

TODAY at 12:45 p.m.
STOUFFER'S RESTAURANT
4th floor
5th Avenue and 44th Street

NEW LOW TARIFF!
Members: $1.00, incl. tips
Non-members: $1.25, incl. tips

Studio Spurt Finds 47 Films Now Shooting

HOLLYWOOD, Sept. 27.—Production spurted to 47 pictures this week, as 10 started and six finished. Eighteen are in the preparation stages and 86 are being edited.

Started were: "His Girl Friday," Columbia; "A Call on the President," "Secret of Dr. Kildare," M-G-M; "Heroes in Blue," Monogram; "Escape to Paradise," Principal; "Rovin' Tumbleweeds," "Zorro's Fighting Legion," "Covered Trailer," Republic; "Test Driver," Universal; "The Enemy Within," Warners.

In addition to these, shooting were: "The Incredible Mr. Williams," "Blondie Brings Up Baby," "Illicit Cargo," Columbia; "Raffles," Goldwyn; "Northwest Passage," "Broadway Melody of 1940," "Patsy," "Judge Hardy and Son," M-G-M; "Typhoon," "The Gay Days of Victor Herbert," "The Farmer's Daughter," "Women Behind Bars," Paramount; "Hunchback of Notre Dame," "Vigil in the Night," "Abe Lincoln in Illinois," "That's Right, You're Wrong," "Reno," RKO; "Abraham Lincoln Boggs," "Jeepers Creepers," Republic; "Of Mice and Men," Roach; "Rebecca," Selznick; "Swanee River," "20,000 Men a Year," "The Blue Bird," "The Man Who Wouldn't Talk," "The Adventurer," "Daytime Wife," "The City," "Everything Happens at Night," 20th Century-Fox; "First Love," "Tower of London," "Green Hell," "Little Accident," "The Green Hornet," "Destry Rides Again," Universal; "Send Another Coffin," Wanger; "Invisible Stripes," "Four Wives," Warners.

M-G-M started one short subject and finished another.

IA Granted Labor Board Certification

WASHINGTON, Sept. 27.—The National Labor Relations Board today announced certification of the I.A.T.S.E. as the sole collective bargaining agency selected by a majority of technicians and utility employees of Hollywood studios.

Following a secret ballot election held Sept. 20, resulting in a count of 4,460 for the I.A.T.S.E., 1,967 for United Studio Technicians Guild, independent, with 51 for neither and 420 challenged ballots. A total of 6,478 ballots was counted.

Poli Estate Sued

NEW HAVEN, Sept. 27.—Orlando Pelliccia, former employe of the late S. Z. Poli, who founded the Poli theatres in New England, is suing Poli's estate for $75,000 for services. This is the latest in a long list of suits against the estate, since Poli died two years ago.

French Film Retitled

Title of "J'Accuse," French film starring Victor Francen, which will be distributed in this country by Arthor Mayer and Joseph Burstyn, has been changed to "That They May Live." Premiere is scheduled for early next month.

"Private Lives of Elizabeth and Essex"

(Warners)

(*Continued from page* 1)

year. The dialogue is literate, probably by benefit of Maxwell Anderson's "Elizabeth the Queen," on which the film is based.

The picture-going public will react tremendously to the power and tenderness of emotion as Elizabeth, the woman, fights to hold her man yet who, as a monarch, knows that the task is useless. In these moments Miss Davis becomes the cinematic Bernhardt.

The eloquent production proceeds smoothly under the deft directorial hand of Michael Curtiz. The screen play by Norman Reilly Raine and Aeneas MacKenzie is well rounded.

The play opens on the return of Essex from a victory over the Spaniards at Cadiz. He is the hero of the hour, much to the dislike of others at the court, including Sir Walter Raleigh and Lord Burghley, who have ambitions of their own. Instead of a royal welcome, Essex is upbraided by Elizabeth for not capturing the Spaniards' gold, and he retires in a dudgeon.

An Irish rebellion impels the court clique to trick Essex into taking charge of the punitive army, but the plottings of his enemies prevent his obtaining adequate support and the expedition fails. Angered at the treatment which he falsely believes the Queen accorded him, Essex is ready to seize the throne, but his love for Elizabeth reasserts itself and he abandons his revolt. Whereupon Elizabeth, once again the Queen, condemns Essex to the block for treason. At the last moment, she repents and offers Essex the crown and England, but he determines that two such strong personalities would never bring England peace, and so he goes to the executioner.

The cast includes Olivia de Havilland, Donald Crisp, Alan Hale, Vincent Price, Henry Stephenson, Henry Daniell, James Stephenson, Ralph Forbes, Robert Warwick and others. Erich Wolfgang Korngold handled the musical score. Robert Lord was associate producer.

Running time, 106 mins. G* ALFRED FINESTONE

**"G" denotes general classification.*

War Effects Debated By Hays Directors

Effects of the European war on domestic and foreign film business occupied Hays office directors at their quarterly meeting yesterday.

The directors will continue the discussion at a meeting called for next Wednesday.

Attending the two-hour session were Will H. Hays, Barney Balaban, president, Paramount; Nate J. Blumberg, president, Universal; Harry D. Buckley, United Artists vice-president, representing Murray Silverstone, U.A. chief executive; Jack Cohn, vice-president, Columbia; Joseph Hazen, vice-president, Warners; W. C. Michel, executive vice-president, 20th Century-Fox; George J. Schaefer, president, RKO; Nicholas M. Schenck, president, Loew's, Inc.; E. W. Hammons, president, Educational-Grand National, and Major Frederick L. Herron, M.P.P.D.A. treasurer.

Plagiarism Suit

Paramount Pictures, Inc., and Charles Beahan were named defendants yesterday in a plagiarism suit filed in the U. S. District Court by Robert L. Buckner, who charged Paramount with infringing upon a play, "Dearly Beloved," written by him and Beahan, in the motion picture, "Midnight." Beahan was named defendant because he allegedly refused to join in the suit.

Harriet Parsons to Wed

HOLLYWOOD, Sept. 27.—Harriet Parsons, daughter of Mr. and Mrs. Harry W. Martin, will be married tomorrow to King Kennedy II at Northbridge, Calif. Mrs. Martin is the Hearst film columnist, Louella Parsons.

Pick Master to Hear Facts in Fox Inquiry

Federal Judge John C. Knox yesterday appointed Nathan A. Smyth as Special Master to hear the results of an investigation into the affairs of Fox Theatres Corp. now being conducted by U. S. Attorney John T. Cahill. Judge Knox's opinion stated that hearings on objections raised by creditors to the final report and accounting of Milton C. Weisman as receiver must wait until Cahill's investigation had disclosed whether further hearings were warranted.

This must be done, Judge Knox said, to prevent the unnecessary expenditure of funds for hearings and at the same time facilitate a hearing on the charges. A stockholders' protective committee and The Trust Company of Georgia are contending that the estate has been depleted through misappropriations and waste.

Columbia in SEC Plea

WASHINGTON, Sept. 27.—Application for the registration on the N. Y. Stock Exchange of Columbia Pictures voting trust certificates for 2,627 shares of common stock, and also for the 2,627 shares, was filed with the Securities and Exchange Commission today by Harry Cohn, and others, as voting trustees for the corporation.

Loew's Theatres Parade

Loew's circuit starts its new season in New York officially today, with a "carnival on wheels" which will tour the metropolitan area for a week. The parade will include beauty contest winners, a swing band, an "autograph car" displaying autographs of M-G-M stars and floats on new season pictures.

'Under-Pup' Hits $22,500, Los Angeles

LOS ANGELES, Sept. 27.—"The Under-Pup," paired with "Coast Guard" at the Hillstreet and Pantages, led the town, aggregating $22,500 at the two houses, $11,200 at the Hillstreet and $11,300 at the Pantages.

Estimated takings for the week ending Sept. 27:

"The Rains Came" (20th-Fox)
"Stop, Look and Love" (20th-Fox)
CHINESE—(2,500) (30c-$1.00) 5 days, 2nd week. Gross: $9,900. (Average, $12,500)
"Four Feathers" (U.A.)
4 STAR—(900) (40c-50c) 7 days, 6th week. Gross: $2,800. (Average, $3,250)
"The Under-Pup" (Univ.)
"Coast Guard" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $11,200. (Average, $6,500)
"The Rains Came" (20th-Fox)
"Stop, Look and Love" (20th-Fox)
LOEW'S STATE—(2,500) (30c-$1.00) 5 days, 2nd week. Gross: $10,800. (Average, $14,000)
"The Under-Pup" (Univ.)
"Coast Guard" (Col.)
PANTAGES—(3,000) (30c-65c), 7 days. Gross: $11,300. (Average, $7,000)
"Beau Geste" (Para.)
"Hero for a Day" (Univ.)
PARAMOUNT—(3,595) (30c-65c) 7 days, 3rd week. Gross: $12,000. (Average, $18,000)
"Espionage Agent" (W.B.)
"Everybody's Hobby" (W.B.)
WARNER BROS. (Hollywood) — (3,000) (30c-65c) 7 days. Gross: $9,800. (Average, $14,000)
"Espionage Agent" (W.B.)
"Everybody's Hobby" (W.B.)
WARNER BROS. (Downtown)—(3,400) (30c-65c), 7 days. Gross: $8,900. (Average, $12,000)

CBC Is Criticized Over Hitler Speech

TORONTO, Sept. 27.—The Canadian Broadcasting Corp. has come in for criticism by reason of the fact that the speech of Adolf Hitler from Danzig was carried by the whole Canadian network while the reply of Neville Chamberlain, British Prime Minister, was not broadcast by the Dominion's chain.

A formal protest over the matter has been forwarded to the Canadian Government by the Empire Unity League, the headquarters of which are in Toronto, the complaint being signed by R. H. Richardson, general secretary. A number of other Canadian listeners have complained about the broadcasting of Hitler's talk. The reply of the CBC through General Manager Gladstone Murray is that the corporation would have been criticized if it had not used the Hitler speech.

'Double Crime' Booked

"Double Crime in the Maginot Line," foreign film distributed by Tower Pictures, has been booked for the following theatres: New Amsterdam, New York, Sept. 30; the Studio, Philadelphia, and the Larkin, San Francisco, Sept. 29; the Esquire, Hollywood, Oct. 6; Warners' DeWitt, Bayonne, N. J., Oct. 10; the Esquire, Portland, Ore.; the Metropolitan, Seattle, and the Vogue, Kansas City.

Atlas Acquires Film

Atlas Film Exchanges, Inc., has acquired the distribution rights in New York and the northern part of New Jersey of "Bad Boy," Gateway production starring Johnny Downs.

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

46. NO. 63 NEW YORK, FRIDAY, SEPTEMBER 29, 1939 TEN CENTS

henck, Bioff Will Not Face Coast Jurors

Louis B. Mayer and Two S.A.G. Chiefs Testify

Los Angeles, Sept. 28.—William Bioff, I.A.T.S.E. leader, and Joseph M. Schenck, president of the Motion Picture Producers Association, will not be called before the Federal grand jury, it was disclosed today as jurors entered the second day of inquiry into alleged income tax evasion and labor racketeering in the film industry.

Principal witnesses today were Louis B. Mayer, M-G-M executive; Ralph Morgan, president and Robert Montgomery, past president, of Screen Actors Guild.

Harland Holmden, international vice president of I.A.T.S.E., was recalled for his second day of testimony. Other witnesses were Aubrey Blair, organizing director of the American Guild of Variety Artists and a former officer of S.A.G.; Guy H. Cooper, suspended financial secretary of Studio Technicians Local 37, I.A.T.S.E., and J. B. Codd, accountant for 20th Century-Fox.

The jury adjourned until next Wednesday. It is expected that several weeks of testimony will be required

(*Continued on page 6*)

Maj. Warner Host To Golfers, Diners

Gayety and brisk outdoor exercise under warm skies supplanted business cares yesterday as Major Albert Warner played the role of host to members of his 1939 Amusement Division of the Jewish Federation of Charities.

Thirty-six film industry officials swung their drivers, irons and putters over the tough Old Oaks Golf Club course at Purchase, N. Y., tallying fairly good scores.

First honors went to David Bernstein and Munroe Greenthal, who each tallied 67. Other low scores were established by Sam Ringler, 70; Milton Weisman, 70; Harold Rinzler, 72; Arthur Israel, 74; Oscar Doob, 76; Herman Robbins, 78; Marvin Schenck, 78; Sam Shain, 78; Leopold Freidman, 79; Eugene Picker, 81; S. Strousberg, 83.

Major Warner, while not participating in the prizes, shot a net of 73. His assistant, Abe Kronenberg, collected a 73 gross.

The dinner in the evening attracted

(*Continued on page 6*)

Festival By Ascap Suffers Radio Snub

Neither NBC nor CBS has scheduled the broadcasting of the Ascap music festival which starts Sunday and ends Saturday night. The series of concerts, which is estimated to cost Ascap about $300,000 to produce, will feature the foremost musical talent in America in presentations of different types of music. The festival marks Ascap's 25th anniversary.

TMAT and IA Act To Patch Troubles

An effort to patch up differences between Theatrical Managers, Agents and Treasurers Union and the I.A. T.S.E. was started yesterday after the T.M.A.T. had started a strike at the Shubert and the Star, burlesque houses in Brooklyn.

The split between the I.A. and T.M. A.T. occurred when the I.A. chartered a treasurers' division. Present at yesterday's conference were representatives of the Brooklyn local of the stagehands and of the Teamsters' Union. If the efforts are successful, it is believed that the T.M. A.T. will formally relinquish its claim to the treasurers.

TRADE ASKS GUARD IN NEUTRALITY LAW

Define Film Policy, British Producers Ask Government

London, Sept. 28.—Lord Strabolgi on Tuesday in the House of Lords will propose a motion calling on the British Government to declare its policy on British film production.

Producers are drawing up a memorandum asking for a Government declaration on the quota provisions of the Films Act and similar matters which affect them.

In reply to a question in the House of Commons today, Oliver Stanley, president of the British Board of Trade, said he could not promise a reply on the Government's policy with respect to British film production within a fortnight.

He made the point that certain unnamed interests must be consulted first, and at the same time insisted that there would be no change in the Government attitude without prior consultation with the industry. He

(*Continued on page 6*)

Makes Washington Pleas For Exemptions; Fears New Foreign Perils

Major company representatives have carried to Washington pleas for special consideration in the event of passage of new neutrality legislation by Congress, which will begin debate on the measure on Monday.

The Administration bill was reported to the Senate, 16 to 7, by the Senate Foreign Relations Committee yesterday.

Three distinct phases of the proposed neutrality legislation are likely to have a serious effect on the foreign shipments of American films, in the opinion of distributor circles here.

In the first place, the new legislation provides that goods may not be sold to belligerant nations on credit, but must be sold for cash. Film interests point out, and have so pointed out in authoritative quarters in Washington, that films are not goods which are sold, but leased.

Also, it is contended, films cannot be bought for cash, since the distributor, or seller, does not know what he will receive for his product until after it has been used, or exhibited, in theatres abroad.

Film interests, therefore, are seeking special exemption or interpretation of that provision of the proposed legislation. It is understood that their overtures in the Capital have been met with understanding, and they are

(*Continued on page 2*)

Ten Former Presidents Reminisce at Ampa Meet

By ALFRED FINESTONE

Ampa started its season's activities with a luncheon meeting yesterday at which 10 former presidents spoke on the organization's past and future.

Close to 100 attended the luncheon at Stouffer's restaurant, Fifth Ave. and 44th St. Paul Lazarus, Jr., president, opened the meeting by discussing plans for the year. He said it is the officers' intention to eliminate extraneous attractions and to confine meetings to serious matters, with the aim of making Ampa an industry service organization. Company executives are scheduled to speak during the year.

Meetings will be held every other Thursday. The next meeting, which falls on Oct. 12, Columbus Day, has been postponed to Oct. 19.

Past presidents introduced one another in succession, starting with Ralph Rolan, predecessor to Lazarus. Others were Gordon S. White, William R. Ferguson, Hal Horne, Edward Klein, George W. Harvey, Glendon Allvine, John C. Flinn, Paul Lazarus, Sr., father of the present president, and Arthur James.

The speakers' consensus was that there is a definite place in the industry for Ampa, aside from its social aspects. Ferguson suggested that the Ampa members' aid is exemplified in helping the Hays office promote the industry's Golden Jubilee, currently being observed.

White declared that "a revitalized Ampa is needed to help the industry meet the present situation," resulting from the war. Others reminisced on Ampa's early history and the war days of 1917-1918. James, who was Ampa's first president, recalled its formation with 16 members 24 years ago.

Lazarus called the roll of past presidents who were unable to be present. He reported that Ampa is now solvent financially and that the membership drive is continuing.

Broadway Enjoys Stronger Grosses

End of daylight saving time and the start of Fall weather brought strong grosses to Broadway boxoffices this week. "Nurse Edith Cavell" brought an estimated $92,000 in its first week at the Music Hall.

At the Capitol, "The Women" grossed an estimated $60,000 in its first week. Another new film, "Espionage Agent," attracted an estimated $43,000 at the Strand. All three are held over.

"The Real Glory" continued its fast pace at the Rivoli, coming through with an estimated $32,000 for its second week. It is held over and may go four or five weeks. "Here I Am a Stranger" bows in at the Roxy today. Third week of "The Rains Came" drew an estimated $42,000.

Trade Seeks Guard Under Neutral Laws

(Continued from page 1)

optimistic that a favorable decision, with respect to American film shipments, will be reached.

The second proposal about which the industry is seriously concerned is that forbidding the shipment of American goods to neutral nations on the ships of belligerent nations. This factor may be especially serious since, it is pointed out, in the shipment of films between ports in Latin America, for example, it is often necessary to use either French or English ships, as they are the only boats available in the area concerned.

The third point is that of war risk insurance. If American firms are forbidden to ship to belligerent nations on American ships, but must therefore use neutral or belligerent ships, the war risk insurance rate on the cargo is far heavier than it would be on American ships.

Direct assistance to American film interests in their attempt to receive special consideration in solving the problem is being accorded by various shipping companies, which handle a large proportion of the film shipments of American companies.

Faced with the loss of considerable business if new American neutrality legislation so hems the industry with restrictions as to make shipments too difficult, the shipping interests have come to the front with strong support for the position of the film industry.

Eastern Managers In RKO Conference

General Sales Manager Jules Levy of RKO Radio Pictures will leave today for Detroit, where on Saturday he will attend the testimonial dinner to Eastern Central District Manager Nat Levy, sponsored by the Detroit Variety Club. This will take place at the Book-Cadillac Hotel.

The RKO Radio sales chief has called in the Eastern exchange managers for a sales conference in Detroit Sunday. Those attending will include E. L. McEvoy, Eastern and Canadian Sales Manager; Nat Levy and the following branch heads: B. G. Kranze, Albany; R. C. Cropper, Boston; C. Boasberg, Buffalo; B. Pitkin, New Haven; S. C. Jacques, Cincinnati; G. Lefko, Cleveland; F. L. McNamee, Philadelphia, and H. H. Greenblatt, Pittsburgh.

The testimonial for Nat Levy is being given on the occasion of the transfer of his headquarters from Detroit to Philadelphia. All the Detroit exchange managers are on the testimonial committee, headed by Eddie Heiber of Universal.

Others serving on the committee are: James F. Sharkey, RKO Radio; John Howard, Paramount; Lester Strum, 20th Century-Fox; William Flemion, Excellent; Sam Seplowin, Republic; Harlan Starr, Monogram; Moe Dudelson, United Artists; Frank J. Downey, M-G-M; F. E. North, Vitagraph, and Carl H. Shalit, Columbia.

Purely Personal

WILLIAM F. RODGERS, general sales manager of M-G-M, was in Cleveland yesterday following a Chicago visit and is due back here early next week.

•

MR. and MRS. GEORGE M. GOBEN are winners of WAGNER'S "Eternally Yours" prize awarded to the U. S. couple who have been married the longest. Married 78 years, the two are 93 years old and live in Lucas, Ia.

•

ROGER C. CLEMENT, of the Paramount legal staff, returns from England tomorrow aboard the *Manhattan*. CLEMENT has been in Europe since early in July.

•

TED STRAETER has been signed as director of three choral groups which will be used on the Kate Smith Hour. The program will be resumed next Friday at 8 P. M.

•

STERLING FISHER, CBS director of education, will speak at the Conference on Adult Education at Hartford on Oct. 7. His topic will be "Education and Radio."

•

MERLE OBERON is scheduled to arrive from England today on the *Nieuw Amsterdam*. MISS OBERON will spend a few days in New York before going on to the Coast.

•

ETHEL ALTMAN, secretary to FAY WHITE of Loew's, has resigned and plans to leave shortly for Utica, N. Y., to set up housekeeping.

•

MARIAN MANNING, vocalist, makes her first radio appearance in this country tomorrow as soloist in "Manhattan Melodies" at 12 M. over NBC-Blue.

•

WYNN MURRAY has been selected for the singing spot in the Fred Allen program which is heard over NBC-Red Wednesdays at 9 P. M.

•

BOB HAMILTON, organist, has been added to the Johnny Prentiss "Houseparty" program, a daily 10:30 A. M. feature over WHN.

•

LOU LITTLE, Columbia football coach, will be guest speaker tonight at 10 o'clock on the WHN "Victory Rally" program.

•

GEORGE ZACHARY, CBS producer of the "Ellery Queen" program, will leave shortly for a vacation in Puerto Rico.

•

WAYNE MORRIS and EDDIE DUCHIN left for the Coast last night via United Airlines.

•

EDWARD KLEIN, former New Yorker and now a London film man, is in town.

•

JAMES R. GRAINGER, Republic president, has returned from a field trip.

•

DAVE BADER, here from the Coast, was in Philadelphia this week.

•

PAUL GULICK is in Vermont recovering from a serious illness.

•

SPENCER TRACY and GROUCHO MARX arrived in New York by plane yesterday from the Coast.

•

KELCEY ALLEN was a guest at Ampa yesterday.

LEO SPITZ will leave New York for Chicago tomorrow.

•

PRINCESS MARTHA BIBESCO, novelist and author of "Katia," which has been imported by ARTHUR MAYER and JOSEPH BURSTYN, will not be able to attend the American opening of the film, since she has been unable to obtain passage for the United States.

•

ANNA NEAGLE and HERBERT WILCOX, star and producer of "Nurse Edith Cavell," will make a personal appearance tonight at the New Twentieth Century Theatre, Buffalo, in connection with the opening of the film.

•

EDWARD GRAINGER, E. K. O'SHEA, GEORGE SKOURAS, ARTHUR MAYER, MALCOLM KINGSBERG, PAUL MUNI, TOM CONNORS and MAX A. COHEN lunching at Nick's Hunting Room in the Astor yesterday.

•

RICHARD MARVIN, radio director of the William Esty agency, leaves by plane for the Coast today, for the opening of the Burns and Allen program on Oct. 4.

•

JOHN GORDON of Ruthrauff & Ryan, leaves for Minneapolis today to open a new show for Bauer & Black, "Quiz of Two Cities," to be heard there over Station WCCO.

•

MURRAY SILVERSTONE, chief of world-wide operations of United Artists, leaves for Hollywood today. He will be accompanied by MRS. SILVERSTONE.

•

NEIL SULLIVAN, cameraman, left yesterday by Clipper for France, where he will take up a roving assignment to film the war for Pathe News.

•

ROBERT CARNEY, assistant at the College, New Haven, is recuperating at his home after an automobile accident.

•

THOMAS WALKER of the Liberman Flag & Valance Co., has fully recovered from a serious accident.

CBS Engineers End Meeting Here Today

A three-day meeting of CBS chief engineers winds up tonight after a visit to the World's Fair. E. K. Cohen, director of engineering, will address this morning's session on international broadcasting. A. B. Chamberlain, CBS chief engineer, will discuss high frequency and relay broadcasting and his talk will be followed by an inspection of WABC relay broadcasting equipment. This afternoon, there will be talks on F.C.C. rules and current operating problems.

Delaware Polled On Sunday Laws

WILMINGTON, Sept. 28.—Scores of letters asking suggestions for revision of Delaware's Sunday blue laws were mailed to leading citizens and organizations today by the nine-member commission appointed by the legislature. An effort is being made to have the 144-year-old laws conform with modern life.

Free Kisses!

Theatre Hires Girls; Males Rush In!

KANSAS CITY, Sept. 28.—Seeking a giveaway that would appeal to the men, who are not particularly attracted by dishes given to women, the Oak Park, Jay Means' house here, offered free "kisses" from two beautiful blondes.

Advertised the Oak Park: "Last time we held this devastating giveaway, one blonde could not properly care for the rush, and it was necessary to issue 'shortage cards.' You were disappointed. Today we have two blondes. Come, see and taste for yourself!"

The gentlemen who rushed into the Oak Park were a little sheepish as they accepted their kisses (the candy kind) from two attractive girls.

Republic Managers On Absence Leave

Five Republic district managers have taken leaves of absence to Jan. 1. Whether they will return to the company at that time depends on the world revenue situation. In the meantime they may be assigned to other positions when available.

The only district manager provided for is Jack Bellman, who has been assigned as manager of the Buffalo exchange. He was in charge of the Eastern district.

District heads on leave are Max Roth, Chicago; Harry LaVine, Philadelphia; Grover C. Parsons, San Francisco; Clair Hilgers, Atlanta, and William Benjamin, St. Louis.

Dave Whalen and Charles Jones are jointly in charge of the company's advertising, publicity and exploitation, with Jones continuing to handle production. This setup may continue indefinitely.

Rejoins Announcers

Harry Carlson, WOR production manager, having resigned his post, will return to the station's announcing staff Sunday. John Hayes will take over as production manager with Charles Godwin as assistant. Arthur Whiteside of the announcing staff will succeed Godwin as head of the Newark studios.

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WE HAVE JUST SEEN "NINOTCHKA" and we pronounce it SENSATIONAL!



GARBO blushes!



GARBO goes gay!

Long live the Lubitsch touch! It has brought your box-office a new Garbo, sly as a wink! A gorgeous Garbo they've never seen before! A champagne lady, lively, lovable! This comedy of a flirtatious secret affair in Paris will positively captivate the nation! It makes Garbo a bigger star than she ever was before in her entire career! One of the year's IMPORTANT pictures! Prepare for another M-G-M triumph!

A NEW SENSATION FOR YOUR SCREEN!

A million dollars' worth of charm wrapped up in the smile of a little girl who's probably the greatest young skater in the world! . . . Presented in an all-laugh show alive with music and dancing, a throbbing heart story, startling production values, positively sensational skating ...and full of that BOX-OFFICE touch of Showman Sol Lesser!



EVERYTHING'S ON ICE

with

IRENE DARE

ROSCOE KARNS · EDGAR KENNEDY

LYNNE ROBERTS · ERIC LINDEN

RKO RADIO PICTURES

Directed by Erle C. Kenton

Produced by **SOL LESSER**

Screen play by Adrian Landis and Sherman Lowe





'Rains Came' Does $12,000, Denver Lead

DENVER, Sept. 28.—"The Rains Came" at the Denver led the town in an excellent week with $12,000. "The Women" and "The Spellbinder" in the third week at the Broadway, grossed $4,000.

Estimated takings for the week ending Sept. 27:

"The Man in the Iron Mask" (U. A.)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: $4,000. (Average, $3,500)
"The Women" (M-G-M)
"The Spellbinder" (RKO)
BROADWAY—(1,040) (25c-35c-40c) 7 days, 3rd week. Gross: $4,000. (Average, $2,500)
"Rulers of the Sea" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: $7,400. (Average, $6,500)
"The Rains Came" (20th-Fox)
DENVER—(2,525) (25c-35c-40c) 7 days. Gross: $12,000. (Average, $9,000)
"Blackmail" (M-G-M)
"These Glamour Girls" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $9,500. (Average, $9,000)
"Coast Guard" (Col.)
"Chicken Wagon Family" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,500. (Average, $3,500)
"When Tomorrow Comes" (Univ.)
"Konga, the Wild Stallion" (Col.)
RIALTO—(878) (25c-40c) 7 days. "Tomorrow" 3rd week. Gross: $2,000. (Average, $1,750)

Selznick Will Take 4-Months' Vacation

HOLLYWOOD, Sept. 28.—David O. Selznick will leave Hollywood early in December for a four months' vacation following completion of "Rebecca." He will combine the vacation with field work for Selznick, Inc.

The studio will be out of production during his absence, but an executive staff will remain operating.

Selznick's first stop will be Atlanta, Ga., where "Gone With the Wind" will have its world premiere. From there Selznick will proceed to New York for the film's opening there.

Selznick will also tour many theatres, seeking to determine the public trend on films. While in New York he will examine new story material. Selznick is tentatively contemplating a trip to South America.

M.P.P.A. Cuts Staff

HOLLYWOOD, Sept. 28.—Frederick W. Beetson, executive vice-president and secretary, announced today that reductions in the personnel and pay cuts have been ordered for the Hollywood office of the Motion Picture Producers Association. Beetson said the "tremendous slash in foreign revenue" was responsible for the retrenchment.

Paramount Meeting

Regular monthly meeting of the Paramount board of directors was held at the home office yesterday. Routine business was discussed.

Metro's K. C. Chief Dies

KANSAS CITY, Sept. 28.—Herbert W. Genter, 46, office manager for Metro-Goldwyn-Mayer here, died today.

Hollywood In Brief

HOLLYWOOD, Sept. 28.—The film colony returned almost to normal this week as the gale and rainstorm which brought five and a half inches of rain in 36 hours subsided, after breaking a week's record-breaking heat wave, and threat of an IATSE projectionists strike was averted by the granting of a 10 per cent wage increase. Production news was slight in a heat which for seven days kept over the 100 degree mark and a rain over the week-end that drowned out a number of telephone cables.

One of the bright spots was the new contract given WILLIAM A. WELLMAN, under which he will produce and direct for Paramount "F. O. B. Detroit," story of the automobile industry. WESSELL SMITTER's original will be put into a screen play by DWIGHT TAYLOR, and WELLMAN hopes to get CAROLE LOMBARD for a top role. Production won't start until next year, however, when WELLMAN finishes a vacation.

M-G-M rushed into print with its plans for the reviving of the shelved "I Take This Woman," HEDY LAMARR-SPENCER TRACY vehicle postponed in the middle of production several months ago before MISS LAMARR and ROBERT TAYLOR started work in "Lady of the Tropics." In the new version, W. S. VAN DYKE will be the director, replacing FRANK BORZAGE. JAMES K. MCGUINNESS is revamping the screen play.

DALE CARNEGIE is in town discussing with LOUIS D. LIGHTON, M-G-M producer, plans for producing a picture from his book, "How to Win Friends and Influence People." . . . 20th Century-Fox has writers RIAN JAMES and RALPH SPENCE working on "Down Rio Way," story with a South American background. . . . BRENDA MARSHALL replaces OLIVIA DE HAVILLAND in the feminine lead opposite ERROL FLYNN in Warners' "Virginia City" . . . BOB HOPE and EDDIE "ROCHESTER" ANDERSON get top roles in "The Ghost Breaker," from the stage comedy by PAUL DICKEY and CHARLES GODDARD. . . . VIRGINIA VALE plays opposite GEORGE O'BRIEN in "Legion of the Lawless." This is her second assignment opposite the western star, the first being in "Marshal of Mesa City."

PRESTON STURGES, writer, will direct his own story, "Down Went McGinty," tale of a big time racketeer. . . . MARLA SHELTON, whose role in M-G-M's "These Glamour Girls," excited interest in her possibilities, has the feminine lead in BOB BREEN's next for RKO, "Escape to Paradise," SOL LESSER production. KENT TAYLOR is the masculine lead. . . . ROSALIND RUSSELL has been borrowed from M-G-M for Columbia's "His Girl Friday." . . . EDWARD EVERETT HORTON winds up his stage activities for RKO's "That's Right, You're Wrong."

Studios have been unusually cautious in purchasing new screen material, one agent reporting demand for stories diminishing rapidly pending determination of trends of future film fare. "Opened by Mistake," mystery melodrama of newspaperdom by HAL HUDSON and KENNETH EARL, was bought by Paramount for CHARLIE RUGGLES and ROBERT PAIGE.

Warners definitely have abandoned "606" as the title for a picture based on the life of the famed Dr. Ehrlich, and will call it "The Story of Dr. Ehrlich." . . . M-G-M's "Remember" is now "Remember?"

Premier Condemns Political Radio Ban

MONTREAL, Sept. 28.—Canadian Broadcasting Corp. authorities have announced that no broadcasts of election speeches from public meetings will be allowed during the war. Scripts of political addresses from studios will have to be forwarded to Ottawa for approval in advance of the broadcast. The announcement was received with a furious blast from the Province of Quebec, where Premier Maurice Duplessis a few days ago announced a provincial election for next month.

"As Premier of the province, I will submit no text to the Canadian Broadcasting Corp.," Duplessis said.

LeBaron Remains Here 10 Days More

William LeBaron, managing director of Paramount production, will remain here another 10 days. The home office says his visit is a vacation made possible by the fact that Paramount production for the new season is far advanced.

Paramount has pictures completed for release up to next February and production has been lined up through May, with budgets and other details set.

LeBaron has conferred only briefly at the home office, it was said.

Jacob Karp, studio atttorney, left last night for the Coast after conferring with home office officials on talent contracts.

Fred Leahy, studio production manager, is also in New York.

Schenck and Bioff Escape Jury Call

(Continued from page 1)

before the question of indictments is determined.

Department of Justice Studies Coast Testimony

WASHINGTON, Sept. 28.—Transcript of some of the evidence laid before the Los Angeles Grand Jury has been received in Washington, and the Department of Justice now is considering the action to be taken, it was disclosed today by Attorney General Frank Murphy.

The Attorney General refused to identify the persons involved other than to admit that they are connected with the film industry, but said that when a decision has been reached one of the usual "explanatory" statements will be issued.

A number of conferences have been held between department officials and some of the persons involved in the income tax cases, some of which it is understood revolve around large sums which the Government claims is due to the Treasury.

Britain Asked To Define Its Films Policy

(Continued from page 1)

emphasized also that the Quota Act still is in force, thus reiterating statements made earlier.

The Odeon Circuit today announced a reversion to the double feature policy. Yesterday's general council meeting of the Cinematograph Exhibitors Association considered the question and ruled in general that it was a matter for wide trade discussion. It was suggested that a possible film shortage might result from a general use of duals, and it was hinted that it might be advisable to take up the subject in the various branches of the organization.

The Tivoli and New Gallery in London will close on Saturday, and the Astoria a week from Saturday.

Maj. Warner Host To Golfers, Diners

(Continued from page 1)

more than 75 industry notables.

The following members of the Amusement Committee had been invited to the day's program:

Jack Alicoate, David Bernstein, William Brandt, Noah L. Braunstein, Oscar Doob, Simon H. Fabian, Leopold Freidman, Louis Frish, Marcus Heiman, Joe Hornstein, Arthur Israel, Harry Kalchein, Harry Kaufman, William Klein, Abe Kronenberg, Jules Levy, Bud Lytton, Charles Moskowitz, Benjamin B. Moss, Isroy M. Norr, Eugene Picker, Harold Rinzler, Ed Rugoff, Herman Robbins, Marvin Schenck, Fred H. Schwartz, Max Seligman, Sam Shain, Charles Sonin, Harold Rodner, Albert Warner, Milton C. Weisman.

Also, Barney Balaban, Abe Blank, Nate J. Blumberg, Leon Goldberg, Malcolm Kingsberg, Martin Quigley, Walter Reade, Sr., Walter Reade, Jr., Irving Caesar, Samuel M. Forrest, Monroe Greenthal, Louis Nizer, Jack Cohn, Abe Schneider, Jack Goetz, Milton Green, Maurice D. Kann, Joe Katson, Paul N. Lazarus, Paul Moss, and William Sussman.

Radio Artists Elect

Annual membership meeting of the New York local of American Federation of Radio Artists was held at the Hotel Edison last night. Results of the elections for members of the board of directors will be available today.

Competition

Cincinnati, Sept. 28.—Baseball games between the contending Cincinnati Reds and St. Louis Cardinals here are making a real dent in theatre attendance. With an average of 34,000 spectators at each game, and those not in attendance hugging the radio, matinee business especially is being demoralized. Theatre men see no relief in sight until after the World Series is played.

War Changes Affect Canada Broadcasting

MONTREAL, Sept. 28. — Canadian Broadcasting Corp. has issued the following statement in connection with scheduled alterations due to the war:

"Canada's national radio broadcasting system, like all other large enterprises in the Dominion, has attempted to make, as rapidly and effectively as possible, necessary adjustments to meet the changed conditions imposed by the war.

"When the outbreak of hostilities became imminent, radio in particular had an unusually heavy responsibility imposed upon it, without precedent for guidance, or time in which to develop plans.

"When the international situation reached the proportions of a crisis, emergency provisions were effected to insure the Canadian listening public an up-to-the-minute service of all important news flashes in cooperation with the Canadian Press, special broadcasts and foreign commentaries. Leave of CBC employes who had not as yet taken their holidays was revoked; programs from distant points were cancelled and substitute entertainment was heard from Toronto, with everything in readiness to be cleared for immediate nationwide news services. Twenty-four-hour shifts were introduced at all key stations.

Extra Transmission Circuit

"To further facilitate the release of special news, CBC engaged an extra Dominion-wide duplicate transmission circuit. By this means, broadcasts originating in distant points, such as Vancouver or Halifax, were brought directly to the main Toronto studios, there to be re-transmitted over the regular network circuit. This permitted immediate broadcast cut-ins on all programs of important news, sent directly to the Toronto offices.

"Now that the early period of adjustment has passed, the Canadian Broadcasting Corporation—while retaining a certain necessary flexibility in its program plans—has reverted to a normal schedule of information and entertainment. Canadian listeners are now assured, through the cooperation of CBC with the Canadian Press, of complete news coverage of the latest international developments, broadcast at regular, strategically-spaced intervals.

Comments by Authorities

"CBC has also arranged to present, at short notice, special talks on the background of critical developments in Europe. These talks will be given by Canadian and foreign authorities on European problems, some of whom have only recently returned from abroad. In addition, of course, at Britannia Heights, Ontario, the CBC short-wave receiving stations will pick up and relay to Canadian listeners regular and special news information and commentaries direct from the European scene.

"In addition to the measures that have been taken to provide news that is as accurate and authoritative as possible, special emphasis will be placed on entertainment. It is accepted as sound war-time psychology, that song, music and laughter should help lighten to some degree the grim realities of the situation. To do so is a helpful means of retaining a calm outlook, and indirectly, of furthering the national war effort of this country.

"News and varied Fall radio programs will introduce to CBC listeners the best in the Canadian entertainment world. Outstanding features of the recently-announced schedules of the leading American broadcast companies will be heard over the corporation's network, and fuller cooperation with the British Broadcasting Corporation is expected at an early date.

Feature Reviews

"Rio"

(Universal)

An international financial swindle, a French penal colony, an escape, and a romance with a charming American engineer in South America are the elements which have been skillfully blended by director John Brahm to make an altogether charming, melodramatic adventure story of "Rio." They are elements which have power to draw at the box-office and it is a story to stir young and old alike.

Performances by Basil Rathbone, the corrupt, merciless financier, and Victor McLaglen, his trusted aide, merit special praise, but to Sigrid Gurie and Robert Cummings go top honors for developing the love interest with winsomeness, charm and delightful, heartwarming grace Cummings first appears on the scene as an unsuccessful engineer, well on his despondent way to oblivion when he meets Miss Gurie during a hilarious but touching sequence with Cummings under the influence of liquor. Cummings gradually changes, however, and emerges with his ambitions renewed.

Miss Gurie, Rathbone's wife, who refuses to desert him during his difficulties, sings two songs—"Love Opened My Eyes," with music by Jimmie McHugh and lyrics by Ralph Freed, and "Heart of Mine," with music by Frank Skinner and lyrics by Freed. Supporting roles by Leo Carrillo, a cafe proprietor, Irving Bacon and Maurice Moscovich, as convicts, and Billy Gilbert, the cafe manager, excellently portrayed, round out a well balanced cast.

Rathbone and Miss Gurie are celebrating their first wedding anniversary when he is arrested for depositing forged bonds as collateral for huge bank loans. A financial panic results and Rathbone is sent to a penal colony. Miss Gurie and McLaglen work in a Rio cafe in order to be near him, and it is here that Cummings enters the scene. Miss Gurie steadfastly refuses Cummings' offers of marriage, although she admits that she stopped loving her husband when his true character was revealed. Rathbone's flight from the colony is an exciting episode but after the ruthless slaying of a fellow fugitive, Rathbone succeeds in meeting his wife once more.

When she sees her husband at liberty Miss Gurie regards herself as free from further responsibility to him and when Rathbone is killed by the police, she rejoins Cummings. In all, it is a film which will hold any audience tense throughout.

Stephen Morehouse Avery, Frank Partos, Edwin Justus Mayer and Aben Kandel wrote the screenplay from an original by Jean Negulesco.

Running time, 75 minutes. "G."* EDWARD GREIF

"Three Sons"

(RKO)

HOLLYWOOD, Sept. 28.—Neither the story told in "Three Sons" nor the cast names it makes available appear to be the kind of screen entertainment assets that will arouse quick interest for this picture.

In idea, the piece is a series of character studies, origin of which are found in Lester Cohen's novel, "Sweepings" which RKO screened several years ago. The present screenplay is by John Twist and the directing job was done by Jack Hively.

The central character, Edward Ellis, has two ambitions. One is to build his store, the Bazaar, into the greatest mercantile establishment of post-fire Chicago. The other is to train his three sons to follow in his footsteps and take over the business after his death. He succeeds in the first and only partially succeeds in the second. The two elder sons, Kent Taylor and Robert Stanton, as well as the daughter, Virginia Vale, prove great disappointments. Only the youngest, Dick Hogan, gives evidence of reforming and becoming the kind of man his father hoped he would develop into. While this group carries the story, Edward Gargan, J. Edward Bromberg, Katherine Alexander and Grady Sutton are featured in the principal supporting roles.

Running time, 70 minutes. "G."* G. McC.

**"G" denotes general classification.*

Theatre, Personnel Changes

Moresco Rebuilding

Friore Moresco is rebuilding the Academy, Wappinger Falls, N. Y.

Closes Resort Houses

The Broad, Arverne, L. I., and the Edgemere, Edgemere, L. I., have been closed after the summer season by Irving Renner.

Newbury Shuts Four

Newbury circuit has shut down the Ocean, Asbury Park, N. J.; the Lavelette, Lavelette, N. J.; Rialto, Belmar, N. J.; and Grove, Point Pleasant.

Reopens in Morristown

The Jersey, Morristown, N. J., has been reopened by Leo Justin.

Cocalis Reopens Theatre

Cocalis circuit has reopened the Empire, Rahway, N. J. It will be operated Friday, Saturday and Sunday only.

Brecher Takes Pelham

The Pelham, Pelham, N. Y., is now being operated by Leo Brecher. It was formerly run by Joseph Carbone.

Takes Manhattan House

The Public, Second Avenue, Manhattan, formerly a Yiddish legitimate stage house, has been acquired by Public Enterprises, Inc. (M. J. Beranco, president; William Brown, secretary, and Clarence Loewe, treasurer), and has been reopened for films.

Century Takes Quentin

The Quentin, Brooklyn, has been taken over by the Century Circuit.

Form Florida Company

TALLAHASSEE, Fla., Sept. 28.—Orlando Drive Inn Theatre, Inc., Orlando, Fla., has been chartered with capital of 150 shares preferred stock, $100 par, and 300 shares common stock, $5 par value. Incorporators are George Wilby, Frank Harris and Harris Robinson.

Takes Missouri House

KANSAS CITY, Sept. 28.—E. A. Peterson has taken over the Plaza, Greenfield, Mo., from A. J. Simmons.

Building Near Cincinnati

CINCINNATI, Sept. 28.—A 900-seat theatre, the first in that vicinity, will be built at suburban Westwood by Louis Wiethe, who recently opened the 900-seat Kentucky at nearby Latonia.

Open Ohio Theatre

CINCINNATI, Sept. 28.—The 600-seat Clovernook, built by J. W. Nordloh and R. W. Tusch, at suburban College Hill, has opened. The theatre is of the same name as an institution for the blind located nearby.

Plan Tennessee House

RIPLEY, Tenn., Sept. 28.—The Strand Enterprises plan a $40,000 motion picture house here.

Remodel Miami Theatre

MIAMI, Sept. 28. — Remodelling work has been started on the State here, to cost approximately $30,000.

'The Women' Hub Leader With $39,000

BOSTON, Sept. 28.—"The Women," dualing with "The Man They Could Not Hang" at Loew's Orpheum and State, took a total of $39,000 in the second week, $21,600 and $17,400, respectively. "When Tomorrow Comes" and "The Adventures of Sherlock Holmes" took in $15,000 at Keith Memorial in the second week.

Estimated takings for the week ending Sept. 27:

"The Spellbinder" (RKO)
(3 days with vaude.)
"Smuggled Cargo" (Rep.)
(3 days with vaude.)
"The Return of the Frog" (Select) (4 days)
"Demon Barber of Fleet Street" (Select)
(4 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross, $9,800. (Average, $7,500)
"When Tomorrow Comes" (Univ.)
"The Adventures of Sherlock Holmes"
(20th-Fox)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross, $15,000. (Average, $14,500)
"$1,000 a Touchdown" (Para.)
"Charlie Chan at Treasure Island"
(20th-Fox)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross, $5,500. (Average, $7,000)
"$1,000 a Touchdown" (Para.)
"Charlie Chan at Treasure Island"
(20th-Fox)
FENWAY — (1,382) (25c-35c-40c-55c) 7 days. Gross, $4,000. (Average, $4,500)
"The Old Maid" (W. B.)
"Torchy Plays with Dynamite" (W. B.)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days, 2nd week. Gross, $14,200. Average, $14,500)
"The Women" (M-G-M)
"The Man They Could Not Hang" (Col.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days, 2nd week. Gross, $21,600. (Average, $14,500)
"The Women" (M-G-M)
"The Man They Could Not Hang" (Col.)
LOEW'S STATE — (3,000) (25c-35c-40c-55c) 7 days, 2nd week. Gross, $17,400. (Average, $11,000)
"Beau Geste" (Para.)
"Quick Millions" (20th-Fox)
SCOLLAY — (2,500) (25c-35c-40c-50c) 7 days, 3rd run. Gross, $4,000. (Average, $4,000)

Vancouver Union Loses Picket Case

VICTORIA, B. C., Sept. 28.—Officials of the projectionists' union, and Vancouver, New Westminster and District Trades and Labor Council lost all but a minor qualification in their appeal before the Supreme Court. Decision of the Court of Appeals sustaining a $2,000 damage award for picketing Hollywood Theatre in Vancouver was upheld.

Also upheld was an injunction restraining the union organizations from interfering with the theatre. Chief Justice Archer Martin upheld the Court of Appeals and the decision of the trial judge in the original hearing of the case, dissenting with them only in the fact that he held the defendants were entitled to publish information, to warn and to urge, but not to arrange mass protests against an alleged labor grievance. The case dates back more than a year.

Republic In Texas Deal

Republic has closed with the Robb & Rowley circuit for its new season product. The circuit operates in 28 Texas situations. William G. Underwood, Texas franchise owner, and Lloyd Rust, Dallas branch manager, handled the deal.

Feature Reviews

"Intermezzo, a Love Story"

(U. A.-Selznick-International)

HOLLYWOOD, Sept. 28.—"Intermezzo, a Love Story," is a class picture in which those elements which stimulate quick mass interest are subordinated to the potency of fine production detail, able acting, expect direction, intelligent writing and a unique use of music as an accelerating force.

Factually, the piece, based on an original story by Gosta Stevens and Gustav Molander for which George O'Neil did the screenplay which Gregory Ratoff directed, is a triangle romance. Its primary appeal is to people possessed of more than an ordinary amount of intelligence. Yet it deals with situations that experience has proved are attractive to women. It may not prove a strong attraction in those houses where patrons expect their entertainment to be packed with hurly-burly action, but in those theatres attended by audiences representative of the community's upper brackets, it is possible that it may attract considerable attention.

The story is told by a comparatively small cast in which Leslie Howard, Ingrid Bergman, who makes her American screen debut; Edna Best and John Halliday are starred, with Ann Todd and Douglas Scott featured. Although Howard fights against it, he finds himself becoming infatuated with Miss Bergman. They are drawn together by a common interest in music.

While Howard's wife, Miss Best, anticipates that time will remedy everything, mutual friend Halliday strives to be a mutual good friend. At a moment when things threaten to explode into a family disaster, a near-fatal injury to a small daughter, Miss Todd, returns Howard to a true respect of his domestic duties and obligations. Because of its subject matter, the picture is adult entertainment.

Running time, 70 minutes. "A."* G. McC.

*"A" denotes adult classification.

"The Arizona Kid"

(Republic)

Roy Rogers and George "Gabby" Hayes enlist on the side of the Confederacy in a western setting during early Civil War days. Their fighting, however, is done against a looting Confederate raider, Stuart Hamblen, and his gang, rather than the Union troops.

The action gets under way at a lively pace when the southern part of Missouri decides to aid the South, although the state has voted its loyalty to the North. Roy and Gabby enlist as scouts and they soon learn that Hamblen, a Confederate captain, is more interested in his looting than in the Southern cause. This information is conveyed to the Southern general staff and Hamblen, rather than take an official reprimand, decides to turn outlaw. He is aided by David Kerwin, who is Roy's rival for the hand of Sally March.

Kerwin, because of long friendship with Roy, saves the latter's life on one occasion and in return, Roy permits Kerwin to escape at a later time. In the end, however, Kerwin is captured and executed while Roy kills Hamblen in a gun duel. Roy sings two songs and there is one spiritual sung by a negro group. The songs are placed in such manner, however, as to slow up the action somewhat.

Joseph Kane produced and directed. The screenplay was written by Luci Ward and Gerald Geraghty.

Running time, 61 minutes. "G."* EDWARD GREIF

*"G" denotes general classification.

Sustain 'Ecstasy' Ban

ALBANY, Sept. 28.—The Appellate Division of the N. Y. Supreme Court yesterday unanimously sustained the state censor board in its ban on "Ecstasy." Eureka Productions had contended that changes had been made to meet the original objections of the censor.

War Films Retitled

In reissuing films with war themes, Alliance Films of U. S. has changed "Hidden Menace" to "Bombs Over Europe" and its picture originally titled "Not Wanted on Voyage" is now "Treachery on the High Seas." "Luck of the Navy" has been renamed "North Sea Patrol."

'Aldrich Family' Shifts

"Aldrich Family" series shifts to the NBC-Blue Oct. 10 thus completing a cycle on the three major networks. The new series will be sponsored by General Foods for Jello Puddings. The same cast, headed by Ezra Stone, will continue. The "Aldrich Family" started as a regular featuer on the Kate Smith hour last year over CBS and then went to NBC-Red as a summer substitute for the Benny show.

Pollock Joins West

Leo A. Pollock, formerly in the public relations department of the New York World's Fair, has joined Wire Broadcasting Corp. of America, of which J. R. West is president.

Newsreel Parade

War scenes in Poland, preparedness in Paris, Legion parade in Chicago, anniversary of the movies observed, and a storm in California constitute the major news event coverage in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 6—[illegible] refugees in Poland. Nazi artillery in action. War preparation in France. Mobilization in Belgium and Switzerland. Activity in Australia. Fashions. Storm in California. Edison's moving picture machine is 50 years old. Legionaires parade in Chicago.

NEWS OF THE DAY, No. 204—War in Poland, prisoners taken, German troops cross rivers. Air raid routine in Paris. French children leave Paris for country. Legion peace parade in Chicago. Belgium reservists return from Paris. Storm on Pacific coast. Football season opens.

PARAMOUNT NEWS, No. 9—American Legion peace parade. Edison honored. French prepare for long war. Football forecast. [illegible]

RKO PATHE NEWS, No. 21—Legion parade. Paris in war time. Mrs. Roosevelt in peace plea. Anniversary of movies. Wheat harvest time for farmers. Storm on coast.

UNIVERSAL NEWSREEL, No. 810—French prepare for air raids. Pepper urges embargo repeal. Steel mills active. Storm hits California. Films 50 years old. Duck hospital in California. Mules in Missouri. Legion parade.

News Broadcasts Are Set in Canada

TORONTO, Sept. 28.—The Canadian Broadcasting Corp. has finally straightened out its scheduled arrangement for newscasts in cooperation with the Canadian Press service by providing four 15-minute news bulletins throughout each day for each of five zones across the Dominion, the service being available to all CBC network stations. Independent stations are granted the use of the service on payment of charges for the "cut-in," it is announced.

The Canadian Press bulletins are compiled at Toronto, Montreal, Halifax, Winnipeg and Vancouver and the CBC remunerates the news service for this work. Independent newscasts by the dailies are gradually disappearing from the air under war-time regulations.

Order Auten's Testimony

N. J. Supreme Court Justice Noonan yesterday ordered Harold Auten to testify before trial on Oct. 10 in connection with a suit brought against him for $196,872 by receivers of Societe Pathe Cinema S. A. Auten is charged with breaching a contract made in 1933 whereby he became U. S. representative of the company. Auten has counter-claimed for $17,500 commission allegedly due him on an RKO deal.

Writer Sues Kane

Suit for $25,000 damages brought by Samson Raphaelson, writer, against Robert T. Kane was revealed in the N. Y. Supreme Court yesterday when Raphaelson filed application for an order directing Kane to appear for an examination before trial. Plaintiff claims to have made a contract in February, 1938, whereby the defendant employed him for ten weeks as a motion picture writer at a weekly salary of $2,500.

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